

Agriculture, Conservation and Forestry

PUBLIC 510 An Act Amending the Animal Welfare Laws

LD 1881

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ ONTP MIN	H-774

Public Law 2005, chapter 510 amends the definitions of "animal shelter" and "breeding kennel" used in the animal welfare laws. It repeals the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel. It specifically authorizes judges to include directives for the care, custody and control of animals when writing protection from abuse orders and designates a violation of such a protection order as contempt.

PUBLIC 512 An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture

LD 1720

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-805

Public Law 2005, chapter 512, in addition to technical changes and corrections to Title 7, makes the following substantive changes:

1. It repeals the requirement that the Commissioner of Agriculture, Food and Rural Resources provide an opportunity for a hearing when the commissioner becomes cognizant of a violation of any provision in the Maine Revised Statutes, Title 7 or other statutes delegating responsibility to the commissioner or the department;
2. It amends a provision relating to farms purchased by the State for use by the Maine Agricultural Experiment Station to clarify that restrictions on use apply no matter when the farms were or are acquired;
3. It requires that annual reports by the county extension associations be sent to the University of Maine rather than its board of trustees;
4. It specifies that products sold at a farmers' market that are not grown or processed by the person selling the products must be purchased directly from another farmer who grew or processed the products;
5. It enacts a provision for determining origin for products sold at a farmers' market to facilitate enforcement and revises an enforcement provision for determining origin of produce labeled "native";
6. It repeals the definition of the term "drug" and provisions in Title 7 relating to adulteration of drugs and meats. The Maine Pharmacy Act, enacted in 1988, Title 32, chapter 117, establishes the Maine Board of Pharmacy and charges the board with regulation of drugs. The Department of Agriculture, Food and Rural Resources is charged with administering and enforcing provisions pertaining to preparation of meat under Title 22, chapter 562-A;
7. It authorizes the commissioner to have analyses performed at public or private laboratories and repeals specific responsibilities of the Director of the Agricultural Experiment Station relating to analysis;
8. It clarifies ambiguous statutory provisions governing the sale of eggs;

Agriculture, Conservation and Forestry

9. It amends the definition of "product name" and uses the term "product name" to specify feed products to which a registration fee applies;
10. It revises the number of days that apples must be kept under specified conditions to be represented as exposed to "controlled storage" to reflect changes in technology and the industry standards; and
11. It increases the fine for violation of laws pertaining to the disposal of cull potatoes.

PUBLIC 513	An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters	LD 1872
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ OTP-AM MIN	H-798

Public Law 2005, chapter 513 amends the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund. Owners of 1,000 acres or less of forest land and groups of landowners as well as certified resource managers are eligible for reimbursement from the fund. The fund may also be used as reimbursement for recertification costs. It limits the amount of reimbursement received by a group of landowners based on the number of landowners at or below the 1,000-acre ownership threshold.

PUBLIC 514	An Act To Permit Supplemental Environmental Projects for Forest Practices Violations	LD 1863
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-804

Public Law 2005, chapter 514 allows the Department of Conservation, Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for a violation of the forest practices laws administered by the bureau. A "supplemental environmental project" is a project that benefits the public health or the environment and that a violator is not otherwise required or likely to perform.

PUBLIC 550 EMERGENCY	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation	LD 2083
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 550 is the committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the committee's review of the Department of Conservation under the Government Evaluation Act. It extends authorization for the Bureau of Forestry to study the feasibility of implementing an outcome-based forestry policy by changing the statutory repeal date for these provisions from

Agriculture, Conservation and Forestry

July 1, 2006 to July 1, 2007. It requires the Director of the Bureau of Forestry to report to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 2, 2007 with a recommendation regarding continuing authorization for outcome-based forestry. It authorizes the committee to report out legislation to the 123rd Legislature.

Chapter 550 requires the Director of the Bureau of Parks and Lands within the Department of Conservation to review the bureau's rent structure for leasing submerged lands and to report back to the joint standing committee of the Legislature having jurisdiction over public lands by January 2, 2007.

Public Law 2005, chapter 550 was enacted as an emergency measure effective April 6, 2006.

PUBLIC 553 **An Act To Minimize the Risk to Maine's Marine Waters and** **LD 1657**
EMERGENCY **Organisms Posed by the Application of Pesticides**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-885
DAMON		

Public Law 2005, chapter 553 establishes buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. These provisions are repealed March 31, 2007. Chapter 553 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007. It authorizes the committee to report out legislation to the 123rd Legislature on pesticide applications in coastal areas.

Public Law 2005, chapter 553 was enacted as an emergency measure effective April 7, 2006.

PUBLIC 559 **An Act To Establish the Maine Agricultural Water Management** **LD 1776**
EMERGENCY **Board and the Sustainable Agricultural Water Source Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-540

Public Law 2005, chapter 559 establishes the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The board's duties include overseeing and coordinating the development of water sources for agricultural use. The board is directed to work with the Department of Environmental Protection in fulfilling its duties. Chapter 559 establishes a process for the development of site specific flow standards and water levels for a water body used as source by agriculture and determination of compliance dates for agricultural users. Chapter 559 details the responsibilities of the board, the Department of Agriculture, Food and Rural Resources, and the Department of Environmental Protection in implementing the sustainable agricultural water source program.

Public Law 2005, chapter 559 was enacted as an emergency measure effective April 10, 2006.

Agriculture, Conservation and Forestry

PUBLIC 563 **An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs**

LD 1985

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-825 H-928 PIOTTI

Public Law 2005, chapter 563 repeals the Maine Revised Statutes, Title 7, chapter 3, "County and Local Societies," and replaces it with chapter 4, "Agricultural Fairs and Pulling Events." It enacts definitions for this chapter and deletes provisions relating to the Maine State Pomological Society and poultry associations. It establishes the Fair Fund and clarifies provisions for deposit into and distribution from the fund. It requires a fair to be licensed to be eligible to receive a distribution from the Stipend Fund or the Fair Fund. It removes language relating to the licensing of exhibitions that are not agricultural fairs. It amends the provision for requesting a change in fair dates to require a petition to be received a minimum of 90 days prior to the first assigned date. It allows premiums paid on pony pulling and tractor and truck pulling to be included when determining distribution from the Stipend Fund or the Fair Fund. It revises a provision relating to premiums paid on male animals, making a fair licensee ineligible for a stipend if that licensee offers or pays premiums on unaltered male animals over 6 months of age that are not recorded in the books of record for their breed. It restructures and updates other provisions regarding the licensing of agricultural fairs and distribution of funds to the fairs. It restructures and makes technical changes to the laws governing animal pulling events.

PUBLIC 576 **An Act To Amend the Harness Racing Laws Regarding**
EMERGENCY **Distributions from the Fund to Supplement Harness Racing Purses**

LD 2042

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT MAREAN	OTP-AM	S-553

Public Law 2005, chapter 576 authorizes quarterly payments from the Fund to Supplement Harness Racing Purses rather than trimester payments. The first 3 quarterly payments are based on the number of race dashes assigned to a racetrack in proportion to the total number of dashes assigned to all racetracks. Payments in the 4th quarter are adjusted so that total distributions for the year reflect the actual number of dashes raced by a racetrack in proportion to the total actual dashes conducted by all racetracks.

Chapter 576 allows agricultural fair licensees that held an extended meet in 2005 to qualify for distribution from the fund to supplement harness racing purses based on the total number of race dashes conducted. The number of dashes at an extended meet that are counted in calculating distribution, however, may not exceed the number of dashes conducted at the extended meet in 2005.

Public Law 2005, chapter 576 was enacted as an emergency measure effective April 12, 2006.

Agriculture, Conservation and Forestry

**PUBLIC 585 An Act To Implement Recommendations of the Joint Standing
Committee on Agriculture, Conservation and Forestry Regarding
Pesticide Registration**

LD 2065

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-944

Public Law 2005, chapter 585 increases the registration fee for pesticides from \$125 to \$150. Registration fees are deposited in a dedicated revenue account to support the board and its staff in meeting their statutory duties. Chapter 585 also directs the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to advertise and conduct collections of obsolete or illegal pesticides in May and October of 2007.

**PUBLIC 598 An Act To Make Adjustments to the Allagash Wilderness
Waterway**

LD 2077

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-559
JACKSON	ONTP MIN	

Public Law 2005, chapter 598 establishes in statute the locations of motor vehicle access points to the Allagash Wilderness Waterway, requires that there be 19 snowmobile access points to the watercourse and lists the 6 permanent watercourse crossings in the waterway. Chapter 598 prohibits any future construction of bridges at the sites of the former Bissonette Bridge and Schedule Brook Bridge. The Department of Conservation, Bureau of Parks and Lands is directed to identify any person claiming to have the right to construct or maintain a bridge at points within the waterway other than those specified in statute and to make all efforts to acquire those rights on behalf of the State, at which time those rights would be extinguished.

Chapter 598 includes legislative findings of fact that the Henderson Brook Bridge is a vital link to the Town of Allagash and the surrounding areas, providing access for timber harvesting operations, enhancing employment for the residents of the region and providing recreational activities. It directs the Bureau of Parks and Lands to submit its proposed amendments to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2007 for review. The bureau may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following its review of the plan, the committee is authorized to report out a bill on any matter relating to the management of the Allagash Wilderness Waterway.

Chapter 598 also creates a 15-member commission to study the design for a replacement of the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. The commission is required to submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry by November 1, 2006 and to submit its final report by January 15, 2007.

Agriculture, Conservation and Forestry

PUBLIC 614 An Act To Establish a Food Policy for Maine

LD 2107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-629 NUTTING J

Public Law 2005, chapter 614 establishes the Maine Food Policy Council and charges the council with developing and implementing a strategic plan to support a food supply system for Maine. The council is directed to build on the report of the food policy working group convened by the Commissioner of Agriculture, Food and Rural Resources in 2005. It also moves 2 sections in the Maine Revised Statutes, Title 7 relating to food policy into the new subchapter on food policy.

PUBLIC 620 An Act To Make Revisions to the Laws Governing Pesticide Control

LD 1890

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MIN	S-642
	OTP-AM MIN	
	OTP-AM MIN	

Public Law 2005, chapter 620, amends the laws governing pesticides. Many of the changes are technical or organizational changes to make the laws read more clearly or to update language. Chapter 620 amends statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. It revises provisions for pesticides reviews by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control under the Maine Revised Statutes, Title 7, section 607-A. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Chapter 620 designates rules adopted by the Board of Pesticides Control as routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive. It requires the Board of Pesticides Control to submit its regulatory agenda each year by January 15th. The legislative committee of jurisdiction is required to review the agenda by February 15th and is authorized to report out legislation designating any rule on the agenda as a major substantive rule.

PUBLIC 638 An Act To Clarify the Laws Governing Agricultural Composting Operations

LD 1064

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK CARR	OTP-AM	S-563

Public Law, chapter 638 enacts definitions of "agricultural composting operation" and "composting" in the statutory provision that declares certain farm operations not to be a nuisance under Title 17, Chapter 91. It includes agricultural composting operations in the definition of "commercial agricultural production" under Title 36, section 2013, allowing these operations to qualify for certain sales tax exemptions.

Agriculture, Conservation and Forestry

P & S 67 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board LD 2081

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Private and Special Law 2005, chapter 67 appropriates \$30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

RESOLVE 173 Resolve, To Direct the Department of Conservation, Bureau of Parks and Lands To Lease Certain Public Reserved Lands to the Town of Allagash LD 934

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-750
BRYANT B	ONTP MIN	H-907 PIOTTI

Resolve 2005, chapter 173 requires the Director of Parks and Lands, with the approval of the Town of Allagash, to lease the timber rights on 4 public reserved lots in Allagash to the Town.

RESOLVE 193 Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands LD 2095

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-967 PIOTTI

Resolve 2005, chapter 193 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain properties. The transactions authorized were originally included in LD 2015. Several relate to properties abutting recreational trails.

RESOLVE 197 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands LD 2015

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM MAJ	H-1000 TRAHAN
NUTTING J	OTP-AM MIN	H-991
	ONTP MIN	S-612 MARTIN

Resolve 2005, chapter 197 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain public lots located in Aroostook, Franklin, Penobscot and Washington counties. It makes transfer of the public lots contingent on certain other transactions and assurances including the transfer

Agriculture, Conservation and Forestry

of approximately 4,040 acres in Township 3, Range 8 to the Baxter State Park Authority and the transfer of approximately 1,975 acres in Township 4, Range 8 to the Bureau of Parks and Lands. It specifies that the proceeds from the authorized sale of public lots in Penobscot County go towards purchasing the 1,975 acres in Township 4, Range 8. It requires the Bureau of Parks and Lands to construct and maintain a trail to Katahdin Lake from the east to connect with trails within Baxter State Park.

It requires the Department of Conservation to develop a comprehensive plan for increasing opportunities for snowmobiling in the Katahdin Region and for the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group on acquisition of land for multiple uses. It requires the Land for Maine's Future Board to apply proceeds from the land sales in Aroostook, Franklin and Washington Counties to purchase land of a value similar to the parcels conveyed by the State.

Chapter 197 requires the Township of Glenwood Plantation and the Town of LaGrange to transmit an amount equal to the property tax collected on the public lots sold pursuant to Resolve 197 to the Treasurer of State, for deposit into the Organized Townships Fund.

RESOLVE 198 Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification

LD 1853

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ OTP-AM MIN	H-918 H-988 PIOTTI

Resolves 2005, chapter 198 directs the Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities to inform members of the agricultural community and the general public about initiatives at the federal and state levels to require animal identification. Meetings must allow time for public comment. The commissioner is required to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on meetings held and the status of federal initiatives.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to adopt rules pertaining to animal identification and registration if the United States Department of Agriculture or any other federal agency takes action prior to January 1, 2007 to require registration of premises where livestock or poultry is kept or identification of livestock or poultry.

Appropriations and Financial Affairs

**PUBLIC 519
EMERGENCY**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

LD 1968

<u>Sponsor(s)</u> BRANNIGAN ROTUNDO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-878 H-901 BRANNIGAN
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Public Law 2005, chapter 519 does the following:

PART A

Authorizes appropriations and allocations from various funds for the fiscal years ending June 30, 2006 and June 30, 2007.

PART B

Authorizes appropriations and allocations from the various funds for the fiscal years ending June 30, 2006 and June 30, 2007, in order to provide funding for approved reclassifications and range changes.

PART C

Repeals Public Law 2005, chapter 457, Part III, which provided for a transfer of \$42,500,000 in fiscal year 2005-06 from Other Special Revenue Funds to the unappropriated surplus of the General Fund, which was to be repaid on July 1, 2006 with interest.

PART D

Exempts several Other Special Revenue Funds accounts from statewide reductions enacted in Public Law 2005, chapter 12 related to retirement amortization and health insurance savings.

PART E

Authorizes limited-period, project or other temporary positions that are established by financial order to be established for a period not to exceed 2 years unless a specific appropriation or allocation is made by the Legislature beyond 2 years. Currently, positions established by financial order must have an end date no later than the statutory adjournment date for the next regular session of the Legislature.

PART F

Requires the State Controller to transfer \$29,000,000 on July 1, 2006 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

PART G

Provides specific limitations for tax purposes on the domicile concept in the definition of "resident individual" in the case of an individual who does not maintain a permanent place of abode in Maine and is present in Maine for only short periods of time. It provides that domicile determinations may not be based solely on the location

Appropriations and Financial Affairs

of an individual's professional advisors or political contributions. It also provides that charitable contributions may not be used to determine residency (related to LD 325).

PART H

Allows a refundable historic rehabilitation credit to a developer who owns 2 or more structures located in the Kennebec Arsenal District National Historic Landmark. The refundable credit is limited to \$500,000 per year and is allowed only for 4 consecutive tax years beginning in 2006 (related to LD 1775).

PART I

Clarifies that the fee for each initial criminal history record check is \$55, which includes a one-time fee for fingerprinting, and each renewal criminal history record check is \$24. It directs the Commissioner of Education to reimburse \$31 to any person who has paid \$55 for a renewal criminal history record check between September 17, 2005 and the effective date of the provision.

Amends the definition of "adult education" to add college courses that adult education students take as a transition to college.

Provides reimbursement for college transition courses provided by adult education at 75% of the cost of salaries and fringe benefits and 50% of the cost of consumable supplies and textbooks.

PART J

Authorizes the Department of Education to allocate bus purchases approved in fiscal year 2004-05 in fiscal years 2006-07 and 2007-08.

Implements the transfer of funds for 5 positions from the General Purpose Aid for Local Schools account to the Management Information Systems account.

Establishes the maximum debt service limit for fiscal years 2009-10 and 2010-11 as required by Title 20-A, section 15905, subsection 1, paragraph A-1.

Establishes the 2006-07 funding level for the local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to Title 20-A, section 15689-E.

Authorizes the Department of Administrative and Financial Services to enter into lease-purchase financing arrangements on behalf of the Department of Education for the acquisition of portable computer systems to support the operations of the Maine Learning Technology Initiative program.

Requires the Commissioner of Education, with advice from the Advisory Board of the Maine Learning Technology Fund, to submit a report that includes findings and recommendations, including suggested legislation to revise and update Title 20-A, chapters 606-B and 801, and present the findings to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters no later than January 31, 2008.

Requires the Commissioner of Education to conduct a comprehensive review of the Maine Learning Technology Initiative and to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters on the progress and results of the evaluation annually by February 15th of each year beginning on February 15, 2007.

Appropriations and Financial Affairs

PART K

Removes the Director, Office of Management Services position from those within the Department of Environmental Protection that are major policy-influencing positions.

PART L

Requires the State Controller to transfer \$175,000 from the Carrying Account - Inland Fisheries and Wildlife program to the Licensing and Registration account - Inland Fisheries and Wildlife program to support the costs associated with the transfer of the MOSES program from MCI to the Department of Administrative and Financial Services, Office of Information Technology.

Requires the State Controller to transfer \$45,000 from the Carrying Account - Inland Fisheries and Wildlife program to the Specialty License Plate Fund Other Special Revenue Funds account within the Department of the Secretary of State by June 30, 2007.

Requires the State Controller to transfer \$935,000 from the Carrying Account - Inland Fisheries and Wildlife program to the unappropriated surplus of the General Fund by June 30, 2007.

PART M

Directs that \$252,577 of the unencumbered balance in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services lapse to the General Fund in fiscal year 2005-06.

Directs that \$231,924 of the unencumbered balance in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services lapse to the General Fund in fiscal year 2005-06.

Authorizes the Department of Health and Human Services to continue a Rehabilitation Consultant position in the Office of Management and Budget through June 16, 2006 and allows salary savings to be used to fund the cost of the extension.

Authorizes the Department of Health and Human Services to continue a Public Service Coordinator II position in the Bureau of Medical Services through June 16, 2006 and allows salary savings to be used to fund the cost of the extension.

PART N

Requires the State Controller to transfer \$2,346,727 no later than June 30, 2006 and \$2,103,273 no later than June 30, 2007 from the unappropriated surplus of the General Fund to the Fund for a Healthy Maine.

Requires the State Controller to transfer \$3,954,211 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services to settle federal audit findings related to school-based health services and the prescription drug discount program.

Requires the State Controller to transfer \$4,850,000 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Foster Care Federal Expenditures Fund program within the Department of Health and Human Services to settle federal audit findings related to the Adoption Assistance program.

Appropriations and Financial Affairs

PART O

Authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase financing arrangements on or after July 1, 2006 with debt service commencing on or after July 1, 2007 for the acquisition of hardware, software and other systems retrofitting to support the operations of Maine Revenue Services tax administration facilities. It adds reporting requirements concerning all major state information technology systems including business continuity planning efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over state and local government matters to report out legislation during the 123rd Legislature to enhance the Legislature's oversight of statewide information systems.

PART P

Renames the Maine State Film Commission program in the Department of Economic and Community Development the Maine State Film Office program.

PART Q

Authorizes the Department of Public Safety, Bureau of State Police to establish 2 State Police Sergeant project positions to be temporarily assigned to the Maine Criminal Justice Academy for each training class at the academy.

PART R

Authorizes any balance remaining on June 30, 2006 in the Baxter Compensation Authority General Fund account to carry forward to fiscal year 2006-07 to be expended by September 30, 2006.

PART S

Establishes the Director, External Affairs position as a major policy-influencing position in the Department of Marine Resources.

PART T

Authorizes the Department of Administrative and Financial Services to enter into lease-purchase financing arrangements on behalf of the Department of Corrections for the acquisition and installation of energy-saving devices for its facilities and requires a report to identify the savings achieved from these energy-saving devices.

PART U

Requires the State Controller to transfer \$500,000 in fiscal year 2005-06 and \$500,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART V

Requires the State Controller to transfer \$101,743 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Risk Management Fund within the Department of Administrative and Financial Services to reimburse the Risk Management Fund for settlement payments made to potato growers.

Requires the State Controller to transfer \$708,223 in fiscal year 2005-06 from the unappropriated surplus of the General Fund to the Risk Management Fund within the Department of Administrative and Financial Services to

Appropriations and Financial Affairs

reimburse the Risk Management Fund for a judgment against the Department of Administrative and Financial Services resulting from a contract dispute.

PART W

Requires that income from the rental of facilities in Limestone be deposited into an Other Special Revenue Funds account in the Department of Administrative and Financial Services, Bureau of General Services to be used for improvements and other costs of managing the facilities operated by the Maine Military Authority in Limestone and for the reimbursement of certain supplemental life insurance costs.

Authorizes the Commissioner of Administrative and Financial Services to transfer funds collected from the rental of facilities in Limestone to the General Fund as undedicated revenue or to the Maine National Guard Education Assistance Pilot Program in the Department of Defense, Veterans and Emergency Management, Other Special Revenue Funds account for tuition assistance and for the reimbursement of certain supplemental life insurance costs (related to LD 1700).

Clarifies that amounts transferred to the General Fund undedicated revenue from rental payments from the Maine Military Authority are not necessarily the first amounts received.

Authorizes the Department of Administrative and Financial Services, Bureau of General Services to transfer up to \$390,000 in fiscal year 2005-06 and \$341,536 in fiscal year 2006-07 from the Bureau of General Services, Other Special Revenue Funds account to the Maine National Guard Education Assistance Pilot Program and reimbursement for purchase of supplemental insurance program, Other Special Revenue Funds accounts in the Department of Defense, Veterans and Emergency Management.

Requires that the Commissioner of Defense, Veterans and Emergency Management reimburse members of the National Guard and Reserves of the United States Armed Forces assigned to a unit in Maine for the cost of monthly premiums paid to the Federal Government for supplemental life insurance. A member of the National Guard or Reserves assigned to a unit in Maine who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom during any month in the calendar year 2006 is eligible for reimbursement for each month deployed in that year regardless of the number of days served in that month.

PART X

Adds the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the General Fund, Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Authorizes available Personal Services balances in General Fund accounts to be transferred between programs and departments within the General Fund by financial order to be used for collective bargaining agreement costs.

PART Y

Removes the Director of General Services position from those positions within the Department of Conservation that are major policy-influencing positions.

PART Z

Removes the Chief Information Officer position from those positions within the Department of Health and Human Services that are major policy-influencing positions.

Appropriations and Financial Affairs

PART AA

Requires the State Budget Officer to review the programs receiving allocations from the Fund for a Healthy Maine to proportionately distribute, by financial order, a deallocation of \$8,391,658 included in this Part. It requires the State Budget Officer to first apply any unexpended balance in the Fund for a Healthy Maine on June 30, 2006 before making any adjustments to the allocations. The State Budget Officer is required to report on the distribution of those adjustments to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007.

Authorizes legislation to be submitted to the First Regular Session of the 123rd Legislature to redistribute any alternative funding sources identified as an offset to the deallocation from the Fund for a Healthy Maine.

PART BB

Removes the designation of the Maine Developmental Disabilities Council as the designated state agency for the purposes of directly receiving federal funding and names the Department of Administrative and Financial Services to serve instead in that limited capacity.

PART CC

Removes nonconformity with the federal student loan interest deduction for interest paid after 60 months from the start of the loan repayment period. The change applies to tax years beginning after January 1, 2006.

PART DD

Restores the Maine child care credit to 25% of the federal credit. The change applies to tax years beginning after January 1, 2006.

PART EE

Exempts all sales or leases of aircraft that weigh over 6,000 pounds that are propelled by one or more turbine engines or that are in use by a Federal Aviation Administration classified 135 operator. It excludes from the Maine use tax any other aircraft purchased by a nonresident outside Maine that is used in Maine for 20 days or less, exclusive of days during which an aircraft is present in Maine for "major alterations," "major repairs" and "preventive maintenance," as those terms are defined by the Federal Aviation Administration. It clarifies the application of the exemptions in Title 36, section 1760, subsection 45 as they may relate to entities.

PART FF

Clarifies that certain former Department of Corrections employees, now a part of the Department of Administrative and Financial Services, remain eligible for the 1998 Special Retirement Plan.

PART GG

Establishes tax benefits for media production companies making productions in whole or in part in Maine. It allows a reimbursement equal to 12% of certified media production wages to resident employees and 10% to others for a media production company that meets certain criteria. It allows a credit for Maine income tax directly related to income generated by a certified media production activity.

Appropriations and Financial Affairs

PART HH

Amends Public Law 2005, chapter 457, Part EE, section 1 by changing the amount of the transfer to the General Fund unappropriated surplus from the Fund for the Efficient Delivery of Local and Regional Services, Other Special Revenue Funds account, from \$2,451,935 to \$1,951,935 in fiscal year 2006-07.

PART II

Transfers \$300,000 from the unappropriated surplus of the General Fund to the Fund for the Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education in fiscal year 2006-07.

PART JJ

Eliminates 253 vacant positions, resulting in elimination of 199.071 legislative and FTE headcount in accordance with Public Law 2005, chapter 457, Part. GGG, section 12.

PART KK

Directs the State Controller to transfer an additional \$1,200,000 from undedicated General Fund revenue to the Maine Clean Election Fund.

PART LL

Amends the Maine Revised Statutes, Title 20-A, chapter 606-B to reflect the work that has been done to implement the system of learning results.

PART MM

Appropriates and allocates to the Departments and Agencies – Statewide account additional savings in the cost of health insurance. It requires the State Budget Officer to calculate the amount of savings that apply against each General Fund account for all departments and agencies except legislative branch departments and agencies from these additional savings and to transfer the amounts by financial order upon the approval of the Governor. It directs these transfers be considered adjustments to appropriations in fiscal year 2006-07. It directs the State Budget Officer to provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than November 1, 2006.

PART NN

Amends Public Law 2005, chapter 386, Part Q, section 2 to allow the Governor Baxter School for the Deaf to receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Governor Baxter School for the Deaf in an amount not to exceed \$294,658 for the 2006-2007 biennium.

PART OO

Creates the Consolidated Emergency Communications Fund as an enterprise fund for the deposit of any payments made by municipal, county and state governmental entities in Kennebec County. It directs the fund may not lapse but must be carried forward to carry out the purposes of this Part.

Appropriations and Financial Affairs

Authorizes the Commissioner of Public Safety and the Maine Communications System Policy Board to transfer position counts and available balances by financial order to the Emergency Services Communication Bureau within the Department of Public Safety.

Authorizes the Department of Public Safety, Emergency Services Communication Bureau to establish positions by financial order when municipal, county and state governmental entities in Kennebec County voluntarily consolidate communication systems with the bureau's communications systems.

(Note: The Appropriations Committee intended that the fund identified in this Part be the *Consolidated Emergency Communications Fund* in the Department of Public Safety and not the *Emergency Services Communication Bureau* in the Public Utilities Commission. In addition, the Appropriations Committee had intended the authorization not be restricted to Kennebec County. LD 2055, PL 2005, c. 683, Part D, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART PP

Requires the Department of Health and Human Services to reimburse all licensed critical access hospitals at 117% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program.

PART QQ

Amends provisions related to the rounding of the value of assets in the calculation of penalties for transferring assets in MaineCare to comply with federal regulations.

PART RR

Updates the statute concerning the Department of Health and Human Services, Office of Advocacy and defines "client" as a person receiving, seeking or requesting services for people with mental retardation.

PART SS

Corrects and clarifies certain definitions and changes requirements for community agencies to require them to design and operate internal systems that will ensure financial reporting reliability, operating efficiency and compliance with their legal requirements. It requires these agencies to meet any reporting requirement set out in their social services agreements with the Department of Health and Human Services.

Increases the threshold requirement for community agencies to be audited by a qualified independent public accountant to \$500,000 of expenditures of departmental funding and eliminates the requirement for compilations.

Repeals the requirement that other state agencies using the department's audit services must reimburse it for such services.

PART TT

Establishes the Maine Use Tax Compliance Program, providing an incentive for taxpayers to voluntarily report taxable purchases during the last 6 years upon which Maine use tax was not paid. Payment of the tax, without interest or penalties, is required for the 3 calendar years with the highest use tax liability and use tax liability for the 3 "low years" is forgiven.

Appropriations and Financial Affairs

PART UU

Authorizes the Department of Administrative and Financial Services, Bureau of Human Resources to continue one limited-period Public Service Coordinator position through October 31, 2006. This position is assisting the bureau in its efforts to resolve the administrative services bargaining unit contract. Funding for this position and any All Other related costs is from the General Fund Compensation and Benefit Plan account in the Department of Administrative and Financial Services and in accordance with Public Law 2005, chapter 12, Part SSS. This position was established by Financial Order 02486 F6.

PART VV

Changes the priority order of distributions from the unappropriated surplus of the General Fund. It establishes the transfers to the State Contingent Account as a first priority and transfers to the Loan Insurance Reserve as the 2nd priority. After these fixed-dollar transfers are made, the available balance in the unappropriated surplus is distributed as follows: 35% to the Maine Budget Stabilization Fund; 20% to the Reserve for General Fund Operating Capital; 20% to the Retirement Allowance Fund; 15% to the Retiree Health Insurance Internal Service Fund established in the Maine Revised Statutes, Title 5, section 1519; and the final 10% to the Capital Construction and Improvements Reserve Fund established in Title 5, section 1516-A. This new distribution changes the base for the percentage from excess revenue to the broader definition of available unappropriated surplus. Prior to these changes, the transfer percentages were based on excess revenue and only distributed 80% of excess revenue and after these transfers were made the Maine Budget Stabilization Fund received the remaining available balance of the unappropriated surplus.

PART WW

Requires the Department of Education to dispose of computers and peripheral equipment purchased as part of the Maine Learning Technology Initiative through the Department of Administrative and Financial Services, Bureau of General Services' surplus property program, except for computers and peripheral equipment purchased by a school district. All proceeds from the sale or other disposal agreement net of selling and disposal costs must be deposited in the General Purpose Aid for Local Schools General Fund account within the Department of Education to be used for the continued support of the Maine Learning Technology Initiative.

PART XX

Provides that the Commissioner of Education may pay for costs for secondary students to take postsecondary courses at eligible institutions. It also provides that a student may take a postsecondary course if the student receives a recommendation from the student's school administration or from a teacher at the student's school.

PART YY

Increases the level of the lease purchase authorization for the financing arrangement for the acquisition of laptop computer systems for fiscal years 2001-02 and 2002-03 to support the Maine Learning Technology Program.

PART ZZ

Provides a General Fund appropriation of \$200,000 in fiscal year 2006-07 for the college transition program within the adult education program.

PART AAA

Requires the Department of Health and Human Services to provide emergency drug coverage to persons eligible for coverage of prescription medications under certain specific circumstances. It gives the department authority

Appropriations and Financial Affairs

to use unspent Medicare Part D "clawback" funding for additional Medicare Part D wraparound services and authorizes the department to transfer funds related to the Medicare Part D prescription drug program between the Medical Care - Payments to Providers and Low-cost Drugs to Maine's Elderly accounts. It requires the department to provide regular reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the status of the state-paid prescription drug coverage related to Medicare Part D. It also provides an appropriations and allocations section.

PART BBB

Provides a General Fund appropriation of \$52,231 in fiscal year 2006-07 for HIV and AIDS treatment and prevention programs.

PART CCC

Creates new rate-setting requirements for the mental retardation waiver initiative authorized under Public Law 2005, chapter 12, Part BBBB. These requirements are intended to address the delay in submitting the waiver for federal approval.

PART DDD

Transfers fiscal year 2006-07 funding into fiscal year 2005-06 to support MaineCare costs as a result of interim payment recovery timing issues. It also requires a financial summary and report on the status of the Department of Health and Human Services' progress in its Maine claims management system-related interim payment recovery efforts. The report must include the amount of recoveries accrued, the amount received, the amount outstanding and the amount determined uncollectible as of June 30, 2006, July 31, 2006 and August 31, 2006, broken down by state and federal funding sources. The report must also include the status of any federal changes in reimbursement or policy as a result of the Maine claims management system-related difficulties. It also clarifies legislative intent regarding the Department of Health and Human Services' compliance with legislatively mandated reporting requirements.

PART EEE

Requires the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 2007 that presents a recommended plan for paying hospitals for services provided under the MaineCare program in full and includes recommendations for setting the annual hospital prospective interim payments at levels sufficient to reflect the increased patient volume.

PART FFF

Allocates funds from the Fund for a Healthy Maine to partially restore funding deallocated in Public Law 2005, chapter 457, Part II.

PART GGG

Appropriates \$250,000 in fiscal year 2006-07 for the Department of Health and Human Services to award grants for hospice services. The funds must be awarded through a competitive bidding process and distributed equally among the following 2 areas of the State: Lewiston and Auburn; and Scarborough and South Portland. Grantees must have plans submitted to the Department of Health and Human Services by July 1, 2006 to qualify for these grants.

Appropriations and Financial Affairs

(Note: The Appropriations Committee intended that the appropriation fund 2 newly built hospice facilities as opposed to awarding funds on a competitive basis. In addition, the Committee intended to identify certain details of the plan grantees are required to submit to the Department of Health and Human Services and intended to require the Department of Health and Human Services submit a report to certain joint standing committees of the Legislature identifying how the grant funds were utilized by the grantees. LD 2055, PL 2005, c. 683, Part C, sections 11 and 12, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART HHH

Appropriates and allocates funds for hospital settlements under the MaineCare program to be paid prior to October 15, 2006 and transfers \$15,000,000 from the General Fund to the Highway Fund in fiscal year 2006-07 to increase the number of highway and bridge improvement projects that can be completed in fiscal year 2006-07.

PART III

Reflects the addition of 3 District Court Judge positions and one Superior Court Justice position.

PART JJJ

Provides a General Fund appropriation of \$994,602 in fiscal year 2006-07 for the Judicial Department to establish the Business and Consumer Court and transfers \$200,000 of dedicated funds within the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund to partially offset the General Fund appropriation to the Judicial Department.

PART KKK

Clarifies that municipal officers may authorize employees who provide emergency services to aid with public service emergencies in other municipalities, whether as part of a municipal fire department or separately and further clarifies that when employees who provide emergency services assist other municipalities, whether as part of a municipal fire department or separately, those employees have the same privileges and immunities as when acting in their own municipality.

PART LLL

Provides an income tax deduction for contributions to a qualified tuition program established under Section 529 of the Internal Revenue Code. The deduction is equal to \$250 for each designated beneficiary and is limited to contributors with federal adjusted gross income not exceeding \$100,000 for returns with a filing status of single or married filing separately or \$200,000 for returns with a filing status of married joint or head of household.

PART MMM

Expands eligibility for property tax exemptions to veterans of certain conflicts that do not currently qualify for the exemption.

PART NNN

Conforms Maine income tax law to federal law regarding contributions to health savings accounts.

Appropriations and Financial Affairs

PART OOO

Changes the threshold for issuance of resale certificates from \$10,000 to \$3,000 in annual gross sales and extends the duration of resale certificates from one year to 3 years and establishes that subsequently issued resale certificates are effective for 5 years.

PART PPP

Extends the tax credit given for the construction or improvements to any filling station for the purpose of providing clean fuels to the general public for use in motor vehicles from December 31, 2005 to December 31, 2008.

PART QQQ

Includes in the definition of "commercial agricultural production" the removal and storage of manure related to the production of livestock, thus providing a sales tax exemption for machinery purchased for use in the removal and storage of manure as well as the electricity used to operate the machinery.

PART RRR

Establishes the Maine Veterans' Memorial Cemetery Maintenance Fund to provide for the maintenance and upkeep of Maine veterans' cemeteries. It provides an allocation for the expenditure of funds received from a voluntary tax checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return and provides an appropriation associated with the administrative costs associated with the tax checkoff.

PART SSS

Exempts from the real estate transfer tax deeds between grandparent and grandchild, effective August 1, 2006.

Part TTT

Establishes an income tax credit for businesses that use or modify a pollution-reducing boiler or furnace system, requires certifications of eligible systems by the Department of Environmental Protection, repeals the credit after 4 years and requires the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually on the use of the credit as part of its economic development incentive report.

PART UUU

Provides that \$1,600,000 in unencumbered balance forward in fiscal year 2004-05 in the Education in the Unorganized Territory, General Fund account in the Department of Education lapses to the General Fund in fiscal year 2005-06 and deappropriates \$400,000 from the Education in the Unorganized Territory (EUT) program within the Department of Education in fiscal year 2005-06.

(Note: The Appropriations Committee intended that the deappropriation come from the Personal Services line rather than the All Other line of the EUT account. LD 2055, PL 2005, c. 683, Part C, section 13, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects this error.)

PART VVV

Directs the Department of Health and Human Services and the Department of Labor to adopt rules to affect an increased rate of reimbursement to those providing consumer-directed personal assistance services.

Appropriations and Financial Affairs

PART WWW

Provides an appropriation to the Disability Rights Center to be used to provide advocacy services for children with serious disabilities in education-related matters.

PART XXX

Changes the title of court security officers to state judicial marshal and state judicial deputy marshal and adds these positions to the definition of "law enforcement officer", entitling them to death benefits for officers who die in the line of duty.

PART YYY

Reflects the policy of the Legislature to establish a means of financing sustainable passenger rail service in the State of Maine and requires the Commissioner of Transportation to identify financial resources to develop an implementation plan for the provision of sustainable passenger rail service and to submit a report to the Legislature.

PART ZZZ

Establishes additional requirements for the managed behavioral health care services system initiative authorized under Public Law 2005, chapter 457, Part PP.

PART AAAA

Provides for an annual stipend for each public school teacher in Maine who has attained certification from the National Board for Professional Teaching Standards as of July 1, 2006 or thereafter and provides funds to the Maine State Retirement System for the additional cost of the normal cost component; provides additional one-time funds for the Educators for Maine program administered by the Finance Authority of Maine for residents of the State who are pursuing careers in education; provides for the continuing implementation of essential programs and services and makes changes designed to achieve the goals of the EPS funding model of adequacy and equity in the funding of education for kindergarten to grade 12; recognizes the special education costs of certain member municipalities that are determined to be minimum state allocation receivers but delays the implementation of the adjustment proposed until fiscal year 2007-08; extends to fiscal year 2006-07 and modifies the adjustment for certain school administrative districts and community school districts that have member municipalities with local contributions that are below the maximum mill rate expectation but that are adversely affected as a result of the cost-sharing mechanism established pursuant to Title 20-A, section 15688; modifies the adjustment in fiscal year 2006-07 to recognize 35% of the special education costs of eligible school districts as compared to 25% of the special education costs that were recognized by the adjustment provided in fiscal year 2005-06; and provides a transition adjustment for fiscal year 2006-07 to provide additional state subsidy to those school administrative units that have experienced a significant increase in the property valuation as compared to the statewide average increase in property valuation from 2004 to 2005.

PART BBBB

Provides authority for the progressive treatment program to increase outpatient treatment and decrease reliance on hospitalization to 50 persons with severe mental illness who are involuntarily hospitalized. The provision is repealed July 1, 2010. It appropriates funds for the progressive treatment program in the Department of Health and Human Services and the Judicial Department and includes funding for residential services as recommended by the Court Master in *Paul Bates et al. v. Department of Behavioral and Developmental Services et al.*

Appropriations and Financial Affairs

PART CCCC

Appropriates funds for residential care facilities and nursing facilities for increased heating costs during the 2005-2006 heating season to be paid before July 1, 2006 notwithstanding any provision of law or rule to the contrary or cost cap or other limitation applicable to residential care facilities and nursing facilities and directs the Department of Health and Human Services to amend MaineCare rules, through routine technical rulemaking, to provide for the distribution of these funds.

PART DDDD

Removes the requirement that the Department of Health and Human Services develop a MaineCare drug formulary and authorizes the department to develop a drug formulary.

PART EEEE

Requires the Commissioner of Health and Human Services to report on the efforts of the Department of Health and Human Services to increase the availability of workers for homemaker and home-based care programs.

PART FFFF

Deappropriates fiscal year 2005-06 savings from the Homestead Property Tax Exemption Reimbursement program within the Department of Administrative and Financial Services.

Public Law 2005, chapter 519 was enacted as an emergency measure effective March 29, 2006.

PUBLIC 601 An Act To Implement the Recommendations of the Commission To Reform the State Budget Process

LD 2045

Sponsor(s)
ROTUNDO
BRANNIGAN

Committee Report
OTP-AM

Amendments Adopted
S-570

Public Law 2005, chapter 601 implements the statutory recommendations of the Commission to Reform the State Budget Process. The changes shift the starting point for the biennial budget from the traditional current services model to a modified flat-funded model. Instead of building from prior biennium requests increased by an inflation factor, requests for appropriations and allocations start from authorized positions and flat-funded non-personal services appropriations and allocations. Increases from those flat-funded amounts need to be justified and the initiatives presented in the unified budget bill. It eliminates some recently enacted restrictions on departmental budget requests, which are replaced by the flat-funded restrictions. It also provides more flexibility in the Governor's budget document. It changes references to the Governor's submission of a budget bill and replaces them with references to the budget document, which will be reformatted beginning in the 2008-2009 biennium to mirror the new budget document format approved by the commission.

Appropriations and Financial Affairs

PUBLIC 621 An Act To Make Minor Technical Changes to Maine's Spending Growth Benchmarks

LD 1909

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM MAJ ONTP MIN	H-1063

Public Law 2005, chapter 621 makes the following technical and clarifying changes to the state, county and municipal spending limitations enacted in 2005.

1. The bill clarifies the definition of "baseline General Fund revenue" and the treatment of education funding increases until the state share of education funding reaches 55%.
2. It provides consistency in the use of the term "appropriation limitation."
3. It corrects language describing the transfer of amounts to reserve accounts.
4. It corrects several references to the calculation of county and municipal limitations by specifying that adjustments are calculated by multiplying the prior year's limit by one plus the growth limitation factor (see note below).
5. It establishes the Director of the State Planning Office within the Executive Department as the person determining "average real personal income growth" and the annual date for that determination for purposes of determining various limitations.
6. It clarifies that municipal limitations do not need to be adjusted for changes in state reimbursement under the Urban-Rural Initiative Program if the change is the result of operation of the statutory formulas under that program.

(Note: 2 references to the calculation of county and municipal limitations specifying that adjustments are calculated by multiplying the prior year's limit by one plus the growth limitation factor were inadvertently omitted in the Committee Amendment. LD 2055, PL 2005, c. 683, Part I, An Act To Correct Errors and Inconsistencies in the Laws of Maine, corrects the omissions.)

PUBLIC 633 An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program

LD 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN EDMONDS	OTP-AM	S-647

Public Law 2005, chapter 633 requires the Department of Health and Human Services to consult with stakeholders prior to implementing changes to the Katie Beckett waiver policy.

Appropriations and Financial Affairs

PUBLIC 641 **An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources** **LD 1234**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM	H-218
WESTON		S-683 ROTUNDO

Public Law 2005, chapter 641 reestablishes the Maine Coast Environmental Trust Fund in the Department of Marine Resources; allows the fund to accept appropriations and transfers authorized by the Legislature; authorizes a transfer of \$25,000 from the unappropriated General Fund surplus to the account and provides an Other Special Revenue Funds allocation in fiscal year 2006-07 for the account for the restoration of the clam flats in Stockton Harbor.

P & S 29 **An Act To Provide Funding for the Low Income Home Energy Assistance Program** **LD 1891**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J		
EDMONDS		

Private and Special 2005, chapter 29 provides a \$5,000,000 General Fund appropriation to the Maine State Housing Authority for the Low Income Home Energy Assistance Program and specifies that the funds may be used only for fuel purchases.

Private and Special 2005, chapter 29 was enacted as an emergency measure effective January 5, 2006.

P & S 53 **An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education** **LD 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP	S-679 ROTUNDO
DUGAY		

Private and Special Law 2005, chapter 53 provides an ongoing General Fund appropriation of \$15,000 beginning in fiscal year 2006-07 to the Downeast Institute for Applied Marine Research and Education.

Appropriations and Financial Affairs

P & S 54 **An Act To Save the Marine Technology Center and Strengthen
Maine's Boatbuilding Workforce** **LD 1948**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP MAJ	S-637
EMERY	OTP-AM MIN	S-694 ROTUNDO
		S-704 ROTUNDO

Private and Special Law 2005, chapter 54 requires the Department of Economic and Community Development to facilitate the formation of partnerships to strengthen and secure the future of the Marine Technology Center at Eastport. It requires the department, with input and assistance from the Washington County Community College and the City of Eastport, to report the results of its efforts and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters; and it provides a one-time General Fund appropriation of \$25,000 in fiscal year 2006-07 to facilitate these efforts.

P & S 55 **An Act To Provide Funding for Dues for the International
Northeast Biotechnology Corridor** **LD 248**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP	S-680 ROTUNDO
GAGNON		

Private and Special Law 2005, chapter 55 provides an appropriation of \$11,000 in fiscal year 2006-07 to the Department of Economic and Community Development for dues associated with the International Northeast Biotechnology Corridor.

P & S 56 **An Act To Appropriate Funds for the School Breakfast Program** **LD 1540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-195
CUMMINGS		S-667 ROTUNDO

Private and Special Law 2005, chapter 56 provides a one-time appropriation of \$25,000 in fiscal year 2006-07 for the school breakfast program.

Appropriations and Financial Affairs

P & S 57

An Act To Provide Funds for Online Reference Materials

LD 1043

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP MAJ	S-691 ROTUNDO
	ONTP MIN	

Private and Special Law 2005, chapter 57 provides an appropriation of \$25,000 in fiscal year 2006-07 to the Maine State Library to fund online reference materials to provide access to information from schools and libraries through statewide licensing of reference materials.

P & S 58

An Act To Appropriate Matching Funds for the Construction of a Community Center in Oxford Hills

LD 550

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM MAJ	H-1079
HASTINGS	ONTP MIN	

Private and Special Law 2005, chapter 58 provides a one-time appropriation of \$50,000 in fiscal year 2006-07, to be matched by private funds of at least that amount, to the Department of Agriculture, Food and Rural Resources to provide a grant to the Oxford County Agricultural Society to support the construction of a community center on land owned by the association.

P & S 59

An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

LD 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM MAJ	H-206
MARTIN	ONTP MIN	S-678 ROTUNDO

Private and Special Law 2005, chapter 59 provides a \$5,000 appropriation in fiscal year 2006-07 to the Maine Potato Board to assist farmers who are in need of assistance with the disposal of rotting stock potatoes.

P & S 61

An Act To Recapitalize the Maine Downtown Center

LD 1956

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP	S-699 ROTUNDO

Private and Special Law 2005, chapter 61 provides a one-time appropriation of \$75,000 in fiscal year 2006-07 to recapitalize the Maine Downtown Center and a one-time appropriation of \$5,000 in fiscal year 2006-07 for the Maine Regulatory Fairness Board.

Appropriations and Financial Affairs

**P & S 64
EMERGENCY**

An Act To Increase Funding for Meals on Wheels Program

LD 1348

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL NASS R	OTP-AM	H-279 S-684 ROTUNDO

Private and Special Law 2005, chapter 64 provides an appropriation of \$75,000 in fiscal year 2005-06 to supplement funding for mileage reimbursement to volunteers of meals on wheels program. Unexpended funds must be carried forward.

Private and Special Law 2005, chapter 64 was enacted as an emergency measure effective June 1, 2006.

**P & S 66
EMERGENCY**

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage

LD 1946

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RECTOR	OTP	H-1114 BRANNIGAN S-693 ROTUNDO

Private and Special Law 2005, chapter 66 provides a one-time appropriation of \$20,000 in fiscal year 2006-07 for the Maine Economic Growth Council in order that it may continue to produce the Measures of Growth report. It provides an appropriation of \$880,000 in fiscal year 2006-07 to assist certain municipalities that suffered flood damage that occurred in spring 2005, and deappropriates \$425,000 in fiscal year 2005-06 from the Baxter Compensation Authority and \$250,000 in fiscal year 2005-06 from the Gambling Control Board.

Private and Special Law 2005, chapter 66 was enacted as an emergency measure effective June 1, 2006.

P & S 67

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board

LD 2081

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Private and Special Law 2005, chapter 67 appropriates \$30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

Appropriations and Financial Affairs

**RESOLVE 217 Resolve, To Require the Governor To Submit Legislation for Flood
Damage Relief to the 123rd Legislature**

LD 2120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM MAJ	S-705
HOTHAM	OTP-AM MIN	

Resolve 2005, chapter 217 requires the Governor submit emergency legislation to the 123rd Legislature that provides funding for the following:

1. The 15% state share of costs associated with the flood damage that occurred in York County in May 2006;
2. The balance of the 15% state share of costs associated with the flooding in spring 2005; and
3. An amount not less than \$500,000 for the relocation of the downtown area of the Town of Canton outside of the flood zone, including but not limited to infrastructure such as water and sewer lines.

Business, Research and Economic Development

PUBLIC 473 An Act Regarding Licensure Requirements for Nurses

LD 1752

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PERRY A	OTP	

Public Law 2005, chapter 473 requires that acceptance of the Canadian Nurses' Association Testing Service Examination for licensure of nurses in the State end on December 31, 2006, after which the exam standards must mirror the federal requirements.

PUBLIC 474 An Act To Address Emergency Licensure Procedures

LD 1756

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP	

Public Law 2005, chapter 474 provides statutory authority for all bureaus, offices, boards and commissions within or affiliated with the Department of Professional and Financial Regulation to issue temporary licenses for 6 months if an applicant is licensed in another state.

PUBLIC 475 An Act To Amend the Debt Collection Law

LD 1804

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BRAUTIGAM	OTP	

Public Law 2005, chapter 475 requires out-of-state attorneys who are not licensed to practice law in Maine and whose practices primarily consist of debt collections from Maine consumers to obtain a Maine debt collector license before collecting on debts in this State.

PUBLIC 476 An Act To Require That Automobile Extended Service Warranties Purchased by Maine Citizens Provide for Arbitration in the State

LD 1705

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP	

Public Law 2005, chapter 476 provides that an extended service warranty sold in Maine for a motor vehicle registered in this State that requires arbitration must require the arbitration to occur in Maine.

Business, Research and Economic Development

PUBLIC 494 An Act To Accommodate Victims of Identity Theft

LD 1834

<u>Sponsor(s)</u> GROSE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-759
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Public Law 2005, chapter 494 clarifies that information contained in a consumer's credit report as a result of identity theft is considered inaccurate information for purposes of the Fair Credit Reporting Act and is subject to correction by the consumer reporting agency.

PUBLIC 497 An Act To Clarify the Charitable Solicitations Act

LD 1767

<u>Sponsor(s)</u> HOBBINS SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-469
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Public Law 2005, chapter 497 makes the following changes to the laws relating to charitable solicitations:

1. It eliminates the requirement that professional fund-raising counsel carry a \$25,000 surety bond;
2. It eliminates the requirement that businesses donating less than \$10,000 annually to charitable organizations become registered as commercial co-venturers, which applies the same exemption limit to commercial co-venturers that currently applies to charitable organizations;
3. It amends the definition of "contribution" by adding an exception for money or property received from an organization. This produces the effect of exempting from the registration requirement individuals who contract with charitable organizations to provide grant-writing services for the purpose of obtaining money or property from organizations;
4. It corrects an inconsistency between the definition of "charitable organization" and the description of entities subject to the registration requirements applicable to charitable organizations; and
5. It deletes a reference to the financial report filing fee, which is no longer charged to charitable organizations that receive more than \$30,000 annually in gross contributions.

PUBLIC 500 An Act To Protect Small Payroll Processors

LD 1878

<u>Sponsor(s)</u> ROBINSON DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-787
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Public Law 2005, chapter 500 creates the Payroll Processor Recovery Fund, to be maintained by the Finance Authority of Maine and administered by the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The law provides payroll processors with the option to provide a \$10,000 bond or letter of credit and the ability to use the fund in lieu of additional surety bonds or letters of credit. The law requires the Office of Consumer Credit Regulation to provide an initial deposit into the fund, followed by annual

Business, Research and Economic Development

assessments to those payroll processors that participate in the fund. The law establishes annual assessments to participating payroll processors in an amount equal to 1% of their total bond or letter of credit coverage requirement. The law clarifies that supervised financial organizations acting as payroll processors are subject to regulation by the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation.

PUBLIC 511 **An Act To Amend the Laws Governing Licensure of Workers in** **LD 1770**
EMERGENCY **the Field of Radiologic Technology**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP	
SMITH N		

Public Law 2005, chapter 511 amends the laws governing the scope of practice, licensure and reciprocal licensure of workers in the field of radiologic technology.

Public Law 2005, chapter 511 was enacted as an emergency measure effective March 27, 2006.

PUBLIC 517 **An Act To Continue the Tourism Cooperative Marketing Fund** **LD 1698**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-502
SMITH N	ONTP MIN	

Public Law 2005, chapter 517 repeals the section of law that repeals the Tourism Cooperative Marketing Fund in 2007, thereby continuing the fund.

PUBLIC 518 **An Act To Amend the Laws Governing Real Estate Appraiser** **LD 1919**
Licensing To Comply with Federal Law

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRINGTON	OTP-AM	H-810
HOBBS		

Public Law 2005, chapter 518 amends the laws relating to real estate appraisers to comply with the education, experience and examination requirements adopted by the federally recognized appraiser qualifications board, effective January 1, 2008. The law increases the education requirements for licensure and the number of appraisal-related classroom hours. The law also requires an associate's degree or 21 semester credit hours of specific courses identified by the appraiser qualifications board and a bachelor's degree or 30 semester credit hours or specific courses identified by the appraiser qualifications board for applicants applying for the certified residential and certified general license level, respectively.

Business, Research and Economic Development

PUBLIC 520 An Act To Maintain Standards for the Plumbing Profession

LD 1923

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-496
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Public Law 2005, chapter 520 amends the laws relating to the plumbing profession to allow the option of completion of a registered Department of Labor joint apprenticeship program to satisfy the requirement for a journeyman-in-training license.

PUBLIC 555 An Act To Establish the Pine Tree Recreation Zone EMERGENCY

LD 192

<u>Sponsor(s)</u> MOODY DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-929
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Public Law 2005, chapter 555 establishes the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River in order to expand recreational and agricultural tourism and economic development in central and northern Maine. The law provides that business projects may be eligible for benefits if they are located within the Pine Tree Recreation Zone, are in a labor market area with a population density of less than 30 people per square mile and derive at least 50% of their business from sustainable recreational or agricultural tourism activities. The law authorizes the Commissioner of Economic and Community Development to adopt major substantive rules to administer the program and to delineate a process by which qualified projects may apply for funding from grants and loans, including loans administered by the Finance Authority of Maine. The law establishes an effective date for the Pine Tree Recreation Zone of January 1, 2008.

In addition, the law directs the Department of Economic and Community Development to convene meetings with representatives of departments and stakeholder associations to gather information on effective methods for attracting, retaining and developing natural resource-based industries and nature-based tourism in central and northern Maine and to structure the eligibility criteria and benefit structure for the Pine Tree Recreation Zone program participants and qualified projects. The law also requires the commissioner to use the information gathered to develop a strategic plan for attracting, retaining and expanding new and existing natural resource-based industries in central and northern Maine and to report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the details of this strategic plan. Finally, the law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on this issue to the First Regular Session of the 123rd Legislature.

Public Law 2005, chapter 555 was enacted as an emergency measure effective April 10, 2006.

Business, Research and Economic Development

PUBLIC 599 **An Act To Establish the Midcoast Regional Redevelopment**
EMERGENCY **Authority**

LD 1957

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-981

Public Law 2005, chapter 599 establishes a redevelopment authority for Brunswick Naval Air Station that is responsible for acquiring and managing the properties within the geographic boundaries of the Brunswick Naval Air Station.

Public Law 2005, chapter 599 was enacted as an emergency measure effective April 27, 2006.

PUBLIC 604 **An Act Relating to Payday Loans**

LD 2076

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-982

Public Law 2005, chapter 604 provides for the integration of the regulation of Internet-based payday lending into the Maine Consumer Credit Code. The law includes the definition of "payday loan" in the definition section of the Code and amends the territorial application provision of the Code to clarify that it applies to payday lenders, wherever located, that provide payday loans to consumers in this State.

PUBLIC 619 **An Act To Amend the Laws Governing Home Construction**
 Contracts To Increase Consumer Awareness

LD 2089

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1006

Public Law 2005, chapter 619 requires home construction contracts to include as an addendum consumer protection information on home construction and repair as it is provided on the Attorney General's publicly accessible website as well as a clear and conspicuous notice that states consumers are strongly advised to visit the Attorney General's publicly accessible website to gather information on how to enforce their rights when constructing or repairing their home. The law requires the Attorney General and the Criminal Law Advisory Commission to review provisions in the Maine Criminal Code that are available to prosecute home building and improvement contractors that engage in deceptive and fraudulent business practices and determine whether any changes in the criminal code are appropriate. The law requires that proposed changes to the code be submitted to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as well as the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 1, 2007.

Business, Research and Economic Development

PUBLIC 632 An Act Regarding Prepaid Contracts for Heating Fuel

LD 2101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-1025

Public Law 2005, chapter 632 establishes requirements for prepaid contracts for home heating oil, kerosene or liquefied petroleum gas. The law prohibits home heating oil, kerosene or liquefied petroleum gas dealers from entering into prepaid contracts to provide home heating oil, kerosene or liquefied petroleum gas to consumers unless the dealer has obtained futures contracts, a surety bond or a letter of credit.

PUBLIC 637 An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force

LD 1944

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE DUGAY	OTP-AM MAJ OTP-AM MIN	S-597 S-692 ROTUNDO

Public Law 2005, chapter 637 provides the Commissioner of Economic and Community Development with the authority to establish 2 pilot Pine Tree Development Zone projects in Washington County and the Downeast region. For these projects, the law allows seasonal employees in seasonal industries based on natural resources to be considered full-time employees for the purposes of the Pine Tree Development Zone laws and waives the qualifying business requirements for the property of the former Cutler naval computer and telecommunications station, if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development. The law requires the Commissioner of Economic and Community Development to report by February 15, 2008 to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the progress of the 2 pilot projects, including any proposed changes to the projects. The law authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to report out legislation on the Washington County pilot projects to the Second Regular Session of the 123rd Legislature. It also provides one-time funds for the Washington County Development Authority to be distributed through a request for proposal process.

PUBLIC 650 An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station

LD 1955

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-980

Public Law 2005, chapter 650 creates a military redevelopment zone that allows a municipality within a labor market that contains a military facility scheduled for closure to apply to the Commissioner of Economic and Community Development to become a military redevelopment zone. The law provides that the total area available for designation as a military redevelopment zone may not exceed 1,500 acres. The law establishes that up to 500 acres may be available for designation outside a military facility boundary, as long as applications are

Business, Research and Economic Development

received by the commissioner by August 1, 2011 and up to 1,000 acres may be reserved for property within the boundaries of the military base, as long as applications are received between the date of the military facility's closure and 7 years following the date of closure. Finally, the law also waives the labor market unemployment and wage restrictions for businesses located in a military redevelopment zone.

PUBLIC 669	An Act To Make Changes to the Laws Regarding Pine Tree Development Zones	LD 2091
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL	OTP-AM MAJ ONTP MIN	H-1026 H-1065 DRISCOLL

Public Law 2005, chapter 669 establishes a waiver of the Pine Tree Development Zone labor market unemployment rate and wage requirements for property that is contained within an industrial site that has sustained a minimum loss of 500 employed workers during the 5-year period preceding the time of application for Pine Tree Development Zone benefits. The law requires that qualified businesses have a base level of employment equal to zero in order to be eligible for these benefits. In addition, the law requires that applications for a waiver under this section be received by August 1, 2010.

P & S 48 EMERGENCY	An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds	LD 2047
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-510

Private and Special Law 2005, chapter 48 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2006 and 2007. Under federal law, a maximum of \$246,610,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2006 and 2007. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 48 was enacted as an emergency measure effective April 7, 2006.

RESOLVE 137	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Regulation of Fire Alarm Contractors	LD 1508
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-468

Resolve 2005, chapter 137 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the regulation of fire alarm contractors. The resolve directs the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters no later than January 15, 2007 and authorizes the joint standing committee to

Business, Research and Economic Development

introduce a bill to the First Regular Session of the 123rd Legislature concerning the regulation of fire alarm contractors.

RESOLVE 138 Resolve, Directing the Department of Professional and Financial Regulation To Study Prescription Drug Labeling Requirements LD 1827

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-763

Resolve 2005, chapter 138 directs the Department of Professional and Financial Regulation to review current statutory requirements for prescription drug labeling, pharmacy practices in the area of prescription drug labeling and methods used by pharmacists to inform consumers about their prescription drugs and any substitutions made to prescriptions. The resolve requires the department to report its findings and recommendations for best practices in the area of prescription drug labeling to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2007. In addition, the resolve authorizes the joint standing committee to report out legislation on prescription drug labeling practices to the First Regular Session of the 123rd Legislature.

RESOLVE 176 Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale LD 1835

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH	OTP-AM	H-930

Resolve 2005, chapter 176 provides that persons, firms, partnerships, associations, corporations or limited liability companies may disclose to customers the amount of a debit card hold in the form of a notice, describes the form and content of the notice and includes a sunset provision that repeals this portion of the resolve on December 31, 2007.

The resolve requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions to work with interested parties to develop a consumer awareness brochure that explains debit card holds. It requires the bureau to make the brochure available to financial institutions and merchants. In addition, this resolve requires the Office of the Attorney General to report on the number of consumer complaints received regarding debit card hold practices to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2007.

POCKET VETO An Act Regarding Allocation of the Low-income Housing Credit by the Maine State Housing Authority LD 1943

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-619

LD 1943 was enacted by the Legislature but was not signed by the Governor at the time the summary was written. The bill would prohibit the Maine State Housing Authority from using selection criteria in allocating

Business, Research and Economic Development

the annual state housing credit ceiling for the low-income housing credit or in awarding funds to developers of multifamily housing that reward developers who require construction contractors to conform with employment standards beyond those required to comply with state or federal law.

SP 0847

ORDERED, the House concurring, that the Joint Select Committee on Research, Economic Development and the Innovation Economy is established as follows:

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

S-624

Senate Paper, SP 847, was read and passed by the Legislature, as amended by Senate Amendment "A" (S-624), on April 26, 2006. This paper established the Joint Select Committee on Research, Economic Development and the Innovation Economy. The purpose of the Joint Select Committee is to prepare recommendations to expand research and economic development opportunities in the State.

Criminal Justice and Public Safety

PUBLIC 487 **An Act To Improve the Ability of the Department of Corrections**
EMERGENCY **To Share Information Related to Clients in Order To Improve**
 Treatment and Rehabilitative Services

LD 1861

Sponsor(s)
GROSE

Committee Report
OTP-AM

Amendments Adopted
H-751

Public Law 2005, chapter 487 allows the Department of Corrections to share with the Department of Health and Human Services information regarding juvenile clients who have been referred to the Department of Corrections but for whom no petition has been filed. The purpose of authorizing the sharing of this information is to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention. Without Public Law 2005, chapter 487 sharing of a juvenile's information at this stage could happen only with consent of a juvenile's parent or guardian or without consent if to a criminal justice agency only for purposes of the administration of juvenile criminal justice.

Public Law 2005, chapter 487 also authorizes the Department of Corrections to share confidential records of any client (juvenile or adult) with any other state agency engaged in statistical analysis for the purpose of improving delivery of services to persons who may become clients of more than one agency. The requesting agency must submit a plan to the Commissioner of Corrections, who must approve the plan and authorize the disclosure. The receiving agency may not disclose or distribute the records in any way that would refer to a client by name or number or could otherwise lead to the client's identification.

Public Law 2005, chapter 487 was enacted as an emergency measure effective March 13, 2006.

PUBLIC 488 **An Act To Amend the Laws Pertaining to the Department of**
EMERGENCY **Corrections**

LD 1886

Sponsor(s)
BLANCHETTE
MAYO

Committee Report
OTP-AM

Amendments Adopted
H-754

Public Law 2005, chapter 488 makes the following changes to the laws governing the Department of Corrections.

It clarifies the appeals process with respect to juvenile detention orders by specifying that an order may include discovery of new and significant information, which is consistent with the Bail Code.

It adds a requirement that, upon the request of a victim, the victim be notified when a prisoner is released to supervised release for sex offenders, a sentencing alternative in the Maine Revised Statutes, Title 17-A, section 1231 enacted by Public Law 1999, chapter 788, section 7.

It changes terminology to reflect the terminology used in the Sex Offender Registration and Notification Act of 1999, Title 34-A, chapter 15.

It eliminates the requirement that the Commissioner of Corrections notify the court of the initial place of confinement of a person committed to the Department of Corrections, since the commissioner notifies the sheriff now and the courts receive the same information from sheriffs.

Criminal Justice and Public Safety

It adds correctional supervisors to those who may carry a concealed firearm with the permission of their employer.

It repeals the provision that requires the Commissioner of Corrections to promulgate rules for community services agreements.

It corrects an error in terminology in the provision governing boards of visitors.

It changes the title of the chief administrative officer of the Mountain View Youth Development Center from director to superintendent to make it identical to the title for the chief administrative officer of the Long Creek Youth Development Center.

It substitutes the term "juvenile community corrections officers" for "juvenile caseworkers" in several provisions.

It adds references to "supervised release for sex offenders" to a provision regarding probation and parole officers and intensive supervision program officers.

It creates an exception to a law that requires the elimination of all commissary-type facilities operated by state departments for the sale of food and food supplies to any person. Public Law 2005, chapter 488 allows the Department of Corrections to lawfully continue its long-time practice of operating a commissary for the sale of food to clients and employees in corrections facilities and clarifies that the chief administrative officer of a correctional or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of the employee's employment.

Public Law 2005, chapter 488 was enacted as an emergency measure effective March 13, 2006.

PUBLIC 502 An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee

LD 1709

Sponsor(s)
CROSTHWAITE
RAYE

Committee Report
OTP-AM

Amendments Adopted
H-792

Public Law 2005, chapter 502 specifies that if a person's default on payment of jail reimbursement fees is a violation of a condition of probation, that probation may be revoked. If a payment of the fee is not a condition of probation, the attorney for the county may file a motion to enforce payment of the fee. Public Law 2005, chapter 502 also provides for the issuance of a bench warrant in the event that a defendant does not appear after notice of a hearing on a motion to enforce payment of a jail reimbursement fee. Public Law 2005, chapter 502 eliminates ambiguity in the law and conforms the language regarding collection of jail reimbursement fees to the language regarding actions to collect unpaid fines and unpaid restitution.

Criminal Justice and Public Safety

PUBLIC 506 An Act To Improve the Prisoner Telephone System
EMERGENCY

LD 1884

<u>Sponsor(s)</u> BLANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-793
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Public Law 2005, chapter 506 specifies that a prisoner who has been ordered to pay restitution or fines may not participate in an industry program or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. Public Law 2005, chapter 506 also amends the payment of restitution provisions to specify that a prisoner's money that is subject to the 25% requirement applies to money "received" by the prisoner and not just to money that the prisoner "is able to generate" from any source, which means that a portion of gifts a prisoner receives may be applied to restitution and fines.

Public Law 2005, chapter 506 facilitates the use of prepaid minutes in the State's prisoner telephone system. Public Law 2005, chapter 506 also excludes from the 25% restitution and fine requirement any money received by the prisoner that is directly deposited into an account for the purpose of using the client telephone system.

Public Law 2005, chapter 506 further amends the provisions governing clients' money to specify that money received by a client be deposited into "the department's general client account" instead of "the facility's clients' account" or in the department's telephone call account. Money deposited in either account is credited to the client receiving it. Any money that is left in the telephone account at the time of a prisoner's discharge or transfer is then transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines before distributed to the client. Finally, Public Law 2005, chapter 506 specifies the reimbursement process of client funds to family members when a client is deceased.

Public Law 2005, chapter 506 was enacted as an emergency measure effective March 24, 2006.

PUBLIC 507 An Act To Amend the Maine Criminal Code and Various
Provisions Related to Juveniles

LD 1771

<u>Sponsor(s)</u> DIAMOND	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-472
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Public Law 2005, chapter 507 was proposed by the Department of Corrections and makes changes to the Maine Juvenile Code, Criminal Code and Bail Code. The changes are as follows.

To eliminate confusion, Public Law 2005, chapter 507 substitutes in Title 15 and Titles 12 and 29-A concerning juveniles convicted of adult offenses the term "confinement" for the term "detention" when referring to a certain disposition. "Detention" refers to pre-adjudication or pre-conviction placement. "Confinement" refers to short term placement flowing a conviction or adjudication. "Commitment" refers to indeterminate correctional placement after adjudication for a juvenile offense.

Public Law 2005, chapter 507 requires that any credits for related time served in detention prior to sentencing be deducted from any order of confinement. Good time provisions do not apply to detention for juveniles.

Criminal Justice and Public Safety

Public Law 2005, chapter 507 specifies that persons who are arrested on a juvenile warrant but are more than 21 years of age at the time of the arrest are to be detained in adult facilities until they appear before the court. Public Law 2005, chapter 507 clarifies that a person over 21 must be detained with adults, and if a juvenile who is between 18 and 21 years of age is bound over, detention with adults will continue to occur, if ordered by the court.

Public Law 2005, chapter 507 clarifies that the bail process is not available for a person less than 18 years of age charged with an adult Title 12 or Title 29-A offense; however, juveniles are still subject to the rules of detention in the Juvenile Code.

Public Law 2005, chapter 507 applies the pre-petition confidentiality provisions to juvenile crimes relating to the operation of a motor vehicle while under the influence of alcohol or drugs. The confidentiality provision regarding a juvenile against whom a petition has not been filed applies also to those juveniles against whom a petition may be filed without a recommendation from a juvenile community corrections officer.

Public Law 2005, chapter 507 adds to the Juvenile Code a cross-reference to a Criminal Code restitution provision that was recently enacted regarding joint and several responsibility, as joint and several responsibility also applies to restitution in juvenile cases.

Public Law 2005, chapter 507 adds a cross-reference in the fine provision of the Maine Juvenile Code to a recently enacted juvenile crime law and clarifies that mandatory minimum fine provisions are not applicable to juveniles.

Public Law 2005, chapter 507 clarifies in Title 17-A that when the running of the period of probation is tolled due to pending probation violation proceedings, the conditions of probation continue to apply during the tolled period.

Public Law 2005, chapter 507 codifies in Title 17-A the Law Court's ruling that when there are consecutive sentences, detention time can only be counted once; this interpretation also applies to probation revocations.

PUBLIC 527 An Act To Implement Recommendations of the Criminal Law Advisory Commission

LD 2001

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-858 H-868 RINES

Public Law 2005, chapter 527 was submitted by the Criminal Law Advisory Commission.

Public Law 2005, chapter 527 amends the law regarding possession by prohibited persons of firearms or crossbows to:

1. Conform the terminology regarding the affirmative defense of insanity to that recently adopted in the Maine Revised Statutes, Title 17-A, sections 39 and 40;
2. Add a reference to parole, supervised release for sex offenders and administrative release; and

Criminal Justice and Public Safety

3. Change a cross-reference for the definition of "not criminally responsible by reason of insanity" and remove language no longer needed because of this change.

Public Law 2005, chapter 527 eliminates the need to specify in the charge and prove at trial the value of an audio or visual recording of all or any part of an illegally obtained motion picture. This is consistent with theft involving a firearm or an explosive device in which pecuniary loss is not an element, and the absence of a pecuniary loss is not a defense.

Public Law 2005, chapter 527 amends the crime of failure to report a sexual assault of a person in custody to clarify that the crime's forbidden conduct element of failing to report the sexual assault to an appropriate criminal justice agency has no accompanying culpable mental state element. Public Law 2005, chapter 527 also provides an affirmative defense to prosecution under the section when the defendant knew that the crime of sexual assault had already been reported to an appropriate criminal justice agency by another mandated reporter.

Public Law 2005, chapter 527 amends the crime of possession of a firearm in a courthouse by:

1. Adding the word "unauthorized";
2. Clarifying that the crime's forbidden conduct element of possessing a firearm in a courthouse has no accompanying culpable mental state element;
3. Adding "corrections supervisor" to the list of persons to whom the prohibition does not apply;
4. Requiring that the firearm be unloaded if possessed under the evidence exception;
5. Clarifying that the proceeding in which the firearm is to be offered as evidence may be either civil or criminal;
6. Adding a new provision that specifies that possession of a valid permit to carry a concealed firearm is not a defense to this crime; and
7. Making a number of nonsubstantive changes to the language for purposes of clarity.

Public Law 2005, chapter 527 provides that the civil penalty for the sale and use of drug paraphernalia is \$300.

Public Law 2005, chapter 527 adds to the list of sentencing alternatives the sentencing alternative of supervised release for sex offenders as authorized by the Maine Revised Statutes, Title 17-A, chapter 50. Public Law 2005, chapter 527 also adds a reference to this alternative since a fine may be imposed in addition to a chapter 50 sentencing alternative. Further, Public Law 2005, chapter 527 repeals the option of a deferred disposition as authorized by Title 17-A, chapter 54-F, since it is not a sentencing alternative. Public Law 2005, chapter 527 makes clear that every natural person convicted of a crime must be sentenced to at least one of the listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so.

Public Law 2005, chapter 527 adds to the list of sentencing alternatives applicable to an organization the sentencing alternative of a fine, suspended in whole or in part, with administrative release as authorized by Title 17-A, chapter 54-G. Public Law 2005, chapter 527 adds a reference to this alternative since a sanction authorized by section 1153 may be imposed in addition to a chapter 54-G sentencing alternative. Public Law 2005, chapter 527 makes clear that every organization convicted of a crime must be sentenced to at least one of the listed sentencing alternatives. Depending upon which sentencing alternatives are used, a court may impose more than one and when mandated by the Legislature must do so.

Criminal Justice and Public Safety

Public Law 2005, chapter 527 amends the law regarding notification of a defendant's release to:

1. Conform the terminology regarding the affirmative defense of insanity to that recently adopted in Title 17-A, sections 39 and 40 pursuant to Public Law 2005, chapter 263, sections 5 to 7;
2. Replace the reference to "placed in institutional confinement" under both Title 15, section 103 and Title 15, section 104-A with "committed to the custody of the Commissioner of Health and Human Services";
3. Add references to supervised release for sex offenders pursuant to Title 17-A, chapter 50 and administrative release pursuant to Title 17-A, chapter 54-G; and
4. Add "release from commitment under Title 15, section 101-B" in provisions addressing releases that are unconditional.

Current law increasing the sentencing class one class higher for a Class B, C, D or E crime committed with the use of a dangerous weapon excludes from its application the crimes of aggravated assault and attempted aggravated assault. This exclusion was added because use of a dangerous weapon serves as a factual element of one form of the crime of aggravated assault. Public Law 2005, chapter 527 broadens the exclusion to include any crime that contains "use of a dangerous weapon" as a factual element.

Current law provides for the sentencing enhancement by one class if the defendant had 2 or more prior convictions of certain crimes, except for a conviction for stalking if the prior convictions have already served to enhance the sentencing class. Public Law 2005, chapter 527 broadens this exclusion to include any crime in which a prior conviction has already served to enhance the class of the crime.

Public Law 2005, chapter 527 clarifies that when 2 or more provisions in Title 17-A, section 1252 are pled and proved by the State to enhance the class of the crime these provisions may be applied successively as long as those to be made successive contain different class enhancement factors. For example, if the State pled and proved that the Class D crime of reckless conduct was committed with the use of a dangerous weapon and, at the time of its commission, the defendant had been convicted of 2 or more qualifying crimes, the class of the reckless conduct would be elevated successively from Class D to Class C and from Class C to Class B, because subsections 4 and 4-A constitute enhancement factors reflecting different public policy concerns.

Public Law 2005, chapter 527 removes the current exception for eligibility for deferred disposition, which is that the crime expressly provides that one or more punishment alternatives it authorizes may not be suspended. Removing this exception allows the flexibility in sentencing options now available under Title 17-A, section 1348-B, subsection 1 and recognizes the fact that the Legislature also recently added a mandatory minimum fine to the Maine Criminal Code crime for assault and to all drug crimes in Title 17-A, chapter 45.

Public Law 2005, chapter 527 removes that portion of the paragraph authorizing judicial fact-finding at the sentencing hearing and requires instead that "accompanied by sexual assault" be pleaded and proved beyond a reasonable doubt to the fact-finder at the trial. The change is required under both the United States Constitution and the Constitution of Maine because "accompanied by sexual assault" is a fact incident to attempted murder or murder that makes the person a "repeat sexual assault offender" who consequently is subject to a term of imprisonment for any term of years rather than a lesser definite term as specified under Title 17-A, section 1252, subsection 2. See Blakely v. Washington, 542 U.S. 296 (2004); State v. Schofield, 2005 ME 82, 876 A.2d 43.

Criminal Justice and Public Safety

PUBLIC 541 **An Act To Authorize Certain County Jail Employees To Perform**
EMERGENCY **Certain Ministerial and Notary Functions for Inmates**

LD 2031

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-863

Beginning April 15, 2006, Public Law 2005, chapter 541 authorizes county jail employees, except corrections officers or deputy sheriffs, who have a commission as a notary public to provide notary public services for inmates if the employees are authorized to do so by the sheriff. Inmates frequently require access to notary public services and unless county jail employees are allowed to perform them, there is no practical way for inmates to obtain such access. On February 28, 1989, "judicial officer or notary public" was substituted for "magistrate" in the statute, apparently in the mistaken belief that a notary public performed judicial functions. However, as of 1988 this was no longer true, and a notary public was restricted to performing only ministerial functions. Therefore, there is no legal impediment to or conflict of interest for a jail employee to also act a notary public for inmates.

Public Law 2005, chapter 541 is retroactive, thereby validating the authority to act as a notary to a jail employee who provided notary services for an inmate at any time since 1989. Due to ignorance of the law on the part of inmates and employees alike, since 1989, numerous county jail inmates have requested and been afforded notary public services from county jail employees, including notarizing documents like affidavits, wills, living wills, and powers of attorney and performing marriage ceremonies.

Public Law 2005, chapter 541 was enacted as an emergency measure effective April 5, 2006.

PUBLIC 545 **An Act To Allow Law Enforcement Agencies To Maintain Sex**
 Offender Websites for Public Use

LD 1831

Sponsor(s)
CURLEY
SNOWE-MELLO

Committee Report
OTP-AM

Amendments Adopted
H-867

Public Law 2005, chapter 545 clarifies that only the Department of Public Safety, State Bureau of Identification may maintain a state sex offender registry on the Internet but authorizes law enforcement agencies to maintain their own sex offender websites for internal use and for use by the public if certain conditions are met. Specifically, in order to make a sex offender website available to the public, a law enforcement agency must post on its website that the website is not the official state sex offender registry and that the law enforcement agency posting the website is solely responsible for the website's content. The law enforcement agency must also provide a link to the State Bureau of Identification's Internet sex offender registry; post information regarding only 10-year and lifetime registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; update the information on the website as frequently as possible, but no less than every 7 days; and prominently display the date and time of the most recent update.

Criminal Justice and Public Safety

PUBLIC 546 An Act To Strengthen Maine's Timber Theft Laws

LD 1759

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-517

Public Law 2005, chapter 546 specifies that, absent a written contract to the contrary, a person conducting a forest harvest operation shall provide the landowner with full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery. Public Law 2005, chapter 546 establishes a fine of not more than \$1,000 for the first violation, a fine of not more than \$2,000 for a 2nd violation within a 5-year period and a Class E crime if a person commits a violation 3 or more times within a 5-year period. Public Law 2005, chapter 546 also creates a restitution provision, which directs the court in accordance with the requirements of the Maine Revised Statutes, Title 17-A, chapter 54, when appropriate, to order restitution on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood. Finally, Public Law 2005, chapter 546 directs the Commissioner of Conservation to report by March 1, 2008 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters observations regarding the effectiveness of the new penalties in deterring timber theft.

**PUBLIC 551 An Act To Implement the Recommendations of the Attorney
General's Working Group Regarding Sentencing Factors for
Crimes against Persons Who Are Homeless**

LD 2046

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	ONTP MIN	

Public Law 2005, chapter 551 implements the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. Public Law 2005, chapter 551 amends the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim, that a court considers in determining the gravity of an offense in sentencing.

**PUBLIC 571 An Act To Amend the Rule-making Authority of the
EMERGENCY Commissioner of Public Safety Regarding the Construction,
Installation, Maintenance and Inspection of Chimneys, Fireplaces,
Vents and Solid Fuel Burning Appliances**

LD 1825

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	H-943

Public Law 2005, chapter 571 amends the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning

Criminal Justice and Public Safety

appliances. Public Law 2005, chapter 571 repeals the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances," and replaces that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Public Law 2005, chapter 571 also authorizes the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

Public Law 2005, chapter 571's amendment of the current rule-making authority is specifically to address the current regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. Public Law 2005, chapter 571 gives the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

Public Law 2005, chapter 571 also adds a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. This penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.

Public Law 2005, chapter 571 was enacted as an emergency measure effective April 12, 2006.

PUBLIC 606 An Act To Safeguard Maine's Highways

LD 1906

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY DIAMOND	OTP-AM	H-1041

Public Law 2005, chapter 606 makes the following changes to the motor vehicle statutes.

1. It amends the OUI law to be consistent with proposed changes in this law that create the distinct crimes of causing serious bodily injury or death while a driver's license is suspended or revoked.
2. It creates new crimes of causing serious bodily injury or death while driving with a suspended or revoked license. A person commits the crime if the person knowingly operates with a suspended or revoked license and in fact causes serious bodily injury or death. Causing injury in such a case is a Class C crime with penalties that include a possible 0-5 years of imprisonment and a mandatory 5-year license suspension. Causing death in such a case is a Class B crime with penalties that include a possible 0-10 years of imprisonment and a mandatory 10-year license suspension.
3. It expands the habitual offender statute by adding the offense of operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more to the list of 3 or more convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender.
4. It further expands the habitual offender statute by adding the accumulation of 10 or more moving violations within a 5-year period to the list of convictions or adjudications for distinct offenses within a 5-year period for which a person is an habitual offender.
5. It removes from the exceptions for which a person is not an habitual offender the case when all convictions or adjudications are based on operating after suspension when the license was originally suspended for failure to give or maintain proof of financial responsibility.

Criminal Justice and Public Safety

6. It removes from the convictions for offenses that may not be included under the habitual offender provision convictions for operating after suspension when the suspension is based upon failure to appear in court or pay a fine.
7. It amends the penalties for operating after habitual offender revocation and expands the crime to include persons who have one or more prior convictions for operating after habitual offender revocation or aggravated operating after habitual offender revocation and who then operate after the license is suspended or revoked. Mandatory penalties that cannot be suspended include the following.
 - A. A person is guilty of a Class D crime if the person operates after habitual offender revocation and has not been convicted of operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has no prior convictions, the minimum fine for this Class D crime is \$500 and the minimum term of imprisonment is 30 days.
 - B. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has one conviction for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has one prior conviction, the minimum fine for this Class C crime is \$1,000 and the minimum term of imprisonment is 6 months.
 - C. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 2 convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 2 prior convictions, the minimum fine for this Class C crime is \$1,000 and the minimum term of imprisonment is 9 months plus a day.
 - D. A person is guilty of a Class C crime if the person operates after habitual offender revocation and has 3 or more convictions for operating after habitual offender revocation or for operating under the influence within the previous 10 years. If the person has 3 or more prior convictions, the minimum fine for this Class C crime is \$1,000 and the minimum term of imprisonment is 2 years.
8. It creates the new crime of aggravated operating after habitual offender revocation and imposes new penalties. A person is guilty of aggravated operating after habitual offender revocation if that person operates after habitual offender revocation and at the time of that violation also commits one or more of the following: operating under the influence, driving to endanger, eluding an officer, passing a roadblock and operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. Mandatory penalties that cannot be suspended include the following.
 - A. A person is guilty of a Class D crime if the person commits the crime of aggravated operating after habitual offender revocation. If the person has no prior convictions, the minimum fine for this Class D crime is \$500 and the minimum term of imprisonment is 6 months.
 - B. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender revocation and has one prior conviction for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has one prior conviction, the minimum fine for this Class C crime is \$1,000 and the minimum term of imprisonment is one year.
 - C. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 2 prior convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 2 prior convictions, the minimum fine for this Class C crime is \$2,000 and the minimum term of imprisonment is 2 years.

Criminal Justice and Public Safety

D. A person is guilty of a Class C crime if the person commits the crime of aggravated operating after habitual offender and has 3 or more convictions for committing aggravated operating after habitual offender revocation, operating under the influence or operating after habitual offender revocation within the previous 10 years. If a person has 3 or more prior convictions, the minimum fine for this Class C crime is \$3,000 and the minimum term of imprisonment is 5 years.

9. It directs the Secretary of State to take reasonable actions to confiscate suspended licenses.
10. It requests that the Maine Sheriff's Association by January 30, 2007 report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the impact these increased motor vehicle penalties have on the county jail population and to make any suggested changes, if necessary.

**PUBLIC 634 An Act To Enhance the Protection of Maine Families from
EMERGENCY Terrorism and Natural Disasters**

LD 2044

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1066 DUPLESSIE S-575 S-651 STRIMLING
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Public Law 2005, chapter 634 enacts a number of the interim recommendations of the Task Force to Study Maine's Homeland Security Needs, as amended by the Joint Standing Committee on Criminal Justice and Public Safety and the Legislature. Public Law 2005, chapter 634 does the following.

1. It assigns to the committee of the Legislature having jurisdiction over criminal justice and public safety matters the responsibility of reviewing the Maine Emergency Management Agency (MEMA) under the provisions of the State Government Evaluation Act.
2. It directs the Statewide Radio Network Board, which consists of the Chief Information Officer and agencies using the statewide radio and network system, to develop protocols and procedures for frequency coordination throughout the State during emergencies and to obtain memoranda of understanding from certain stakeholders. The Statewide Radio Network Board shall report to the Task Force to Study Maine's Homeland Security Needs on its progress by September 18, 2006. It also clarifies that the Chief Information Officer and other agencies using the statewide radio and network system may operate as a board to establish standards for statewide radio and network system operations.
3. Beginning July 1, 2007, it specifies, in regard to the rental income from the rental of facilities at Limestone, that, notwithstanding any other law, the Department of Administrative and Financial Services, Bureau of General Services must transfer 22.5% of the income to the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account for disaster assistance. The total amount that may be transferred is capped at \$3,000,000. In addition, notwithstanding any other law and except when the Governor in the case of a declared emergency needs money for disaster relief, the Governor may transfer no more than 10% of the balance of rental income from facilities in Limestone. It also specifies that beginning July 1, 2007, part of the rental income collected be transferred to the Department of Defense, Veterans and Emergency Management for maintenance and repair of National Guard armories in the State.

Criminal Justice and Public Safety

4. It creates the Homeland Security Advisory Council to advise the Governor on the coordination of homeland security activities of state agencies and the most effective use of grant funds and makes the Director of MEMA chair of the council.
5. It directs the Department of Education to amend its written application for funding for school construction projects to include the question: "Do you plan to use your school as a public community shelter?" It also requires that in the case of a school construction project in which the school is expected to be used as a community shelter, the State Board of Education may approve only those projects designed to accommodate backup energy generators.
6. It requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to coordinate with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency on the planning and expenditure of federal funds received by the center for homeland security or bioterrorism prevention. It also requires the advisor of the Homeland Security Advisory Council to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the use of those funds.
7. It requires that the Director of the Maine Emergency Management Agency be qualified by education, training or experience in managing emergencies and be appointed by the Governor upon recommendation by the Commissioner of Defense, Veterans and Emergency Management, subject to confirmation of the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and the Legislature. It also provides that the director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State. It requires the director to develop and conduct an annual program of comprehensive public education, using all appropriate means of communication to educate and inform members of the public and public officials about emergency preparedness, response, recovery and mitigation. The program must incorporate the use of appropriate accessible formats to educate and inform individuals with disabilities, individuals who are elderly and non-English-speaking residents of Maine.
8. It requires the Director of MEMA to survey Maine communities to gather information on the types of emergency notification systems that are in place throughout the State, evacuation plans for nursing homes and other long-term care facilities, including home-based and community-based programs, and evacuation plans for individuals living independently in communities who due to age or disability require assistance to evacuate.
9. It directs the Director of the MEMA to coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness and requires the director and the commissioner to coordinate their efforts for community outreach for all-hazards emergency planning.
10. It directs the Director of the Center for Disease Control and Prevention within the Department of Health and Human Services, in conjunction with health system stakeholders, to update its survey of emergency health system capacity in the State. It also specifies that the Director of the Center for Disease Control and Prevention, in coordination with the Director of MEMA and the Director of Maine Emergency Medical Services within the Department of Public Safety in consultation with health system stakeholders, including the Maine Primary Care Association, the Maine Hospital Association and other interested parties, shall develop recommendations to address Maine's acute medical and public health surge capacity.
11. It directs the Director of the Center for Disease Control and Prevention, in conjunction with stakeholders and other interested parties, to study the qualifications and duties of local health officers in Maine and develop recommendations for enhancing the role of local health officers in emergency preparedness plans.

Criminal Justice and Public Safety

12. It directs the Director of the Maine Center for Disease Control and Prevention to work with health care and emergency management stakeholders to distribute grant funds provided by the United States Department of Health and Human Services, Health Resources and Services Administration to ensure that the regional resource centers are provided with sufficient funding resources to improve health system preparedness, within the limits of the federal funds, in accordance with the documented local needs of the federally specified funding beneficiaries: emergency medical services, poison control centers, health clinics and hospitals in each region. The Maine Center for Disease Control and Prevention shall report to the task Force to Study Maine's Homeland Security Needs on the results of the federal Health Resources and Services Administration grant and contract with the regional resource centers and other health system providers and on proposed recommendations. The Maine Center for Disease Control and Prevention shall report the same to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The Maine Center for Disease Control and Prevention shall also report annually, beginning January 15, 2007, to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the progress of the grantees on meeting the stated contractual deliverables.
13. It directs the Director of the MEMA to consult with the Public Utilities Commission to determine the feasibility of adding a disability indicator to the current E-9-1-1 system in Maine to allow individuals with disabilities and special health needs to choose to provide a 2-digit code identifying special assistance needs in an emergency.
14. It directs the Maine Center for Disease Control and Prevention to submit a report to the Task Force to Study Maine's Homeland Security Needs by September 18, 2006 detailing the number of health care workers, by profession, registered in the federal Emergency System for Advance Registration of Voluntary Health Professionals.

Public Law 2005, chapter 634 was enacted as an emergency measure effective May 9, 2006.

PUBLIC 655 An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child

LD 1718

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-766 H-826 BLANCHETTE
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Public Law 2005, chapter 655 creates a new version of visual sexual aggression against a child that requires that, for the purpose of arousing or gratifying sexual desire, a person at least 18 years of age intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place. The crime also provides that the victim is not the actor's spouse and has not in fact attained 14 years of age, and that the act is carried out under circumstances in which a reasonable person would expect to be safe from such visual surveillance. This new crime is a Class D crime, unless committed against a person who has not attained 12 years of age, in which case it is a Class C crime.

The crime of visual sexual aggression against a child falls within chapter 11 of the Maine Criminal Code, which means that a person convicted of the Class D version, as well as the Class C version of this crime, may be

Criminal Justice and Public Safety

subject to the sentencing alternative of probation. This amendment also makes the person convicted of this prohibited conduct subject to the requirements of the Sex Offender Registration and Notification Act of 1999.

PUBLIC 660 An Act To Amend the Crime of Aggravated Criminal Mischief LD 1789

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ ONTP MIN	S-504

Public Law 2005, chapter 660 adds to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

PUBLIC 661 An Act To Eliminate Administrative Preliminary Hearings for LD 1868
Probationers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-796 S-670 ROTUNDO

Public Law 2005, chapter 661 eliminates the administrative hearings presently conducted by the Department of Corrections to determine probable cause for a probation violation and instead requires probable cause hearings to be conducted by the courts within 5 days after arrest. Public Law 2005, chapter 661 also specifies that evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court.

Public Law 2005, chapter 661 is effective January 1, 2007.

PUBLIC 667 An Act To Extend the Corrections Alternatives Advisory LD 2016
EMERGENCY Committee

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE DIAMOND	OTP-AM	H-859

Public Law 2005, chapter 667 amends Public Law 2005, chapter 386, Part J, which established the Corrections Alternatives Advisory Committee. Public Law 2005, chapter 667 extends the life of the advisory committee to December 15, 2006, expands its membership and authorizes additional meetings and a final report to the

Criminal Justice and Public Safety

Legislature. The bill also authorizes the advisory committee to carry forward any remaining funds in order to support its continued work.

Public Law 2005, chapter 667 was enacted as an emergency measure effective May 30, 2006.

PUBLIC 671 An Act To Provide Protection for Victims of Domestic Violence

LD 2116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING SIMPSON		

Public Law 2005, chapter 671 specifies that, upon receiving information from a federal agency that through a criminal background check an individual subject to a protection from abuse order has illegally attempted to purchase a firearm, the Department of Public Safety shall share that information with the individual who is intended to be protected by the order and with another law enforcement agency with jurisdiction in the municipality in which that individual resides as quickly as practicable.

Public Law 2005, chapter 671 further specifies that the Department of Public Safety may accomplish the notification process by notifying another law enforcement agency within the county in which the individual intended to be protected by the protection from abuse order resides. When the department makes notification through such a law enforcement agency, that agency then must make reasonable effort to notify as quickly as practicable the individual intended to be protected by the protection from abuse order. If, when notifying another law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make its own reasonable effort to notify that individual as quickly as practicable, and this may be accomplished through a different law enforcement agency within the county in which the individual resides.

PUBLIC 673 An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age

LD 1717

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1058
	OTP-AM MIN	

Public Law 2005, chapter 673 amends the Maine Revised Statutes, Title 17-A, chapter 50, which deals with the supervised release of sex offenders, by specifying that supervised release is not discretionary but required for persons convicted of committing gross sexual assault against a person under 12 years of age. The period of supervised release commences on the date the person is released from confinement, runs for the duration of the person's life and must include the best available monitoring technology. Public Law 2005, chapter 673 specifies that if the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision and without any limitations based on the prior term of imprisonment, as current law requires. The remaining portion of the period of supervised release that is not required to be served in prison remains in effect to be served after the person's release and again is subject to revocation, if warranted.

Criminal Justice and Public Safety

Public Law 2005, chapter 673 also specifies that if the State pleads and proves that the crime of gross sexual assault was committed against a person who had not yet attained 12 years of age, the court shall impose a definite term of imprisonment for any term of years. In determining the basic term of imprisonment as the first step in the sentencing process, pursuant to Title 17-A, section 1252-C, subsection 1, the court shall select a term of at least 20 years.

PUBLIC 676 **An Act To Establish a Computer Crimes Unit within the Maine**
EMERGENCY **State Police Crime Laboratory**

LD 2028

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-519 S-674 ROTUNDO

Public Law 2005, chapter 676 requires that 3/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the Maine Criminal Justice Academy and 1/14 of the surcharge collected and deposited in the Government Operations Surcharge Fund be paid to the State Police to supplement current funds for computer crimes investigations. Public Law 2005, chapter 676 repeals the statute that established the Maine Computer Crimes Task Force and appropriates funds for the creation of a new computer crimes unit to be housed within the Maine State Police Crime Laboratory, which is part of the State Police program. The computer crimes unit will consist of 6 full-time positions, 4 of which already exist and 2 that are new. The computer crimes unit will continue the work of the Maine Computer Crimes Task Force by working collaboratively with the Department of the Attorney General and local law enforcement agencies for the purposes of investigation and assisting all law enforcement agencies in crimes involving computers.

Public Law 2005, chapter 676 was enacted as an emergency measure effective June 1, 2006.

PUBLIC 681 **An Act To Require a Criminal Background Check for the Initial**
Licensure of Emergency Medical Services Personnel

LD 1018

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM MAJ OTP-AM MIN	H-472

Public Law 2005, chapter 681 specifies that a criminal background check is required only for an applicant for initial licensure as an emergency medical services (EMS) person. For purposes of EMS licensing until now, pursuant to board policy a person was required to renew a background check every 3 years. Public Law 2005, chapter 681 supersedes this board-adopted licensing requirement. Public Law 2005, chapter 681 also clarifies what is intended by a criminal history record check and conforms the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, Public Law 2005, chapter 681 also specifies that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal.

Criminal Justice and Public Safety

**PUBLIC 684 An Act Relating to the Handling of Firearms Confiscated by Law
Enforcement Officers Pursuant to a Court Order**

LD 2118

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u>		<u>Amendments Adopted</u> S-695 DIAMOND
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Public Law 2005, chapter 684 directs the Maine Criminal Justice Academy to provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a protection from abuse order.

Public Law 2005, chapter 684 provides that in developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

Public Law 2005, chapter 684 also provides that a law enforcement officer who receives custody of a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid loss, damage or reduction in value of such firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by the Maine Tort Claims Act.

Public Law 2005, chapter 684 is effective January 1, 2008.

**RESOLVE 132 Resolve, Creating a Forensic Board To Manage the Release of
Certain Sex Offenders**

LD 1721

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Resolve 2005, chapter 132 directs the Department of Corrections, in cooperation with the Department of Health and Human Services, the judiciary branch and other interested parties, to develop a plan to create a forensic board to periodically review the safety of releasing persons convicted of certain sex offenses after those persons have served at least a minimum number of years of imprisonment. The Department of Corrections will recommend persons to serve on the forensic board and will recommend processes for the board to employ, including the use of recognized risk assessment tools and other measurements and standards, to determine whether a person is appropriately released and under what conditions or to determine that the person must continue to remain incarcerated until the next forensic review. In addition to making recommendations regarding the development of a forensic board, the Department of Corrections must identify the types of treatment that persons convicted of sex offenses are receiving while incarcerated and any data measuring the success and failure of such treatments. Resolve 2005, chapter 132 directs the Department of Corrections to report its findings and recommendations, including proposed legislation to implement a forensic board, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 30, 2006.

Education and Cultural Affairs

**PUBLIC 471 An Act To Extend Tuition Waivers to Persons Who Have Resided
in Subsidized Adoptive Care or Who Have Subsidized Guardians**

LD 1755

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON CURLEY	OTP-AM	S-442

Public Law 2005, chapter 471 extends the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship under the Maine Revised Statutes, Title 22, section 4038-D at the time those persons graduated from high school or successfully attained a high school equivalency diploma.

**PUBLIC 496 An Act Concerning Members of School Administrative Districts'
Finance Committees**

LD 1780

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B BRYANT M	OTP	

Public Law 2005, chapter 496 establishes that the finance committee of a board of directors for a school administrative district be made up of at a minimum 3 members.

PUBLIC 499 An Act Concerning Energy Conservation in Schools

LD 1902

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-791

Public Law 2005, chapter 499 raises the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from \$1,000,000 to \$2,000,000. The law also decreases the length of the allowable contract from 20 years to 15 years and clarifies that a school administrative unit may enter into such an improvement contract only for an existing school administrative unit facility. The law further provides that a school administrative unit's costs for entering into such an improvement contract are not applicable to school construction project costs, the debt service on which is eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

Education and Cultural Affairs

PUBLIC 593 An Act To Support the Efficient Implementation of Maine's Learning Results

LD 1425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ	H-913
WESTON	ONTP MIN	

Public Law 2005, chapter 593 amends the statutory requirements related to the local assessment system that school administrative units must comply with in implementing the system of learning results. The law accomplishes the following.

1. It alters the requirement that the Department of Education provide technical assistance to school administrative units in establishing their local assessment systems to clarify that the department shall provide technical assistance in using assessments to inform teaching and learning.
2. It establishes a moratorium for the 2006-2007 school year for those local assessment system activities that are designed to certify student achievement and clarifies that assessments that are used to inform teaching and learning are exempt from the moratorium.
3. It clarifies that the moratorium established for the 2006-2007 school year for certain activities within each school administrative unit's local assessment system does not affect other statutory requirements related to the implementation of the system of learning results.
4. It provides that the Department of Education shall establish quality standards for the comprehensive state and local assessment system.
5. It provides that, for fiscal year 2006-07, the Commissioner of Education may expend and disburse up to \$1,000,000 of the \$2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

PUBLIC 595 An Act Relating to Secondary School Construction Projects

LD 2104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law, chapter 595 provides that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The law makes this change effective January 1, 2007.

Education and Cultural Affairs

PUBLIC 600 **An Act To Allow the Maine Educational Center for the Deaf and**
EMERGENCY **Hard of Hearing and the Governor Baxter School for the Deaf To**
 Lease Classroom Space to Independent Schools

LD 1979

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-996
MITCHELL		

Public Law 2005, chapter 600 provides authority to the Department of Administrative and Financial Services to enter into lease agreements for unused school facilities on Mackworth Island. The law provides that lease arrangements and funds received from this type of lease must be used in a manner that is consistent with the deed of gift from Governor Baxter and applicable state law regarding excess state property, with any remaining funds being retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for statutorily authorized programs.

Public Law 2005, chapter 600 was enacted as an emergency measure effective April 27, 2006.

PUBLIC 605 **An Act To Implement the Recommendations of the Joint Standing**
 Committee on Education and Cultural Affairs Regarding the
 Telecommunications Relay Services Advisory Council Pursuant to
 Reviews Conducted under the State Government Evaluation Act

LD 2105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-579 MITCHELL

Public Law 2005, chapter 605 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act. The law authorizes the Telecommunications Relay Services Advisory Council to enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications services to persons who are deaf, hearing impaired or speech impaired. Because of this new contracting authority, the advisory council is reallocated from its current status in the Maine Revised Statutes, Title 5, section 12004-I as an advisory board with minimal authority to Title 5, section 12004-G, which lists general government boards with contracting authority. The law also changes the joint standing committee of the Legislature having jurisdiction over the review of the advisory council under the State Government Evaluation Act from the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and requires that the advisory council be reviewed by that committee in 2013. Finally, the law corrects a reference in existing law to the entity that oversees and manages the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission.

Education and Cultural Affairs

PUBLIC 611 **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act** **LD 2103**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				H-1017 NORTON

Public Law 2005, chapter 611 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the State Board of Education under the State Government Evaluation Act. The law clarifies that the authority of the State Board of Education with respect to the development or implementation of cooperative agreements among school administrative units is advisory in nature and replaces the term "school consolidation" with "school administrative unit configuration."

PUBLIC 616 **An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council** **LD 2114**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
MITCHELL				

Public Law 2005, chapter 616 implements organizational improvements related to the operations of the Legislative Youth Advisory Council. The law accomplishes the following.

Part A repeals a requirement that the Department of Education transfer \$30,000 to the Legislature to fund certain activities of the Legislative Youth Advisory Council. In lieu of that transfer, this bill instead requires that the Department of Education use existing Other Special Revenue funds to pay for 2 statewide public forums of the council between July 1, 2006 and November 30, 2006. Completion of the 2 public forums required in this bill and payment by the department of all associated costs constitute fulfillment of the duties of the department and the council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3. A summary of these forums, along with any recommendations from those forums, will be included in the council's report to the Legislature in January 2007. Part A also adds a provision prohibiting any public or private entity from seeking any outside funds to support activities of the council without first obtaining the prior written approval from the Legislative Council or its executive director.

Part B simplifies the appointment process, changes the council's reporting requirements from an annual report to the full Legislature to a biennial report to the Legislative Council, changes the number of youth members on the council from 18 to 16, requires youth members to be at least 16 years of age at the time of appointment and requires that all youths and legislative members be appointed or reappointed at the start of each new Legislature. Transition provisions are included that allow current youth members to serve the full 2-year term for which they were appointed under the previous law.

Education and Cultural Affairs

PUBLIC 635 An Act To Update Teachers' Minimum Salaries

LD 1381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM MAJ	S-577
DAVIS G	ONTP MIN	S-620 MITCHELL
	OTP-AM MIN	

Public Law 2005, chapter 635 updates the law that established a minimum teachers' salary, starting in 1987, of \$15,500, an amount that is now outdated. The law accomplishes the following.

1. It increases the amount to \$27,000 for certified teachers for the school year starting after June 30, 2006; and establishes a minimum salary of \$30,000 for certified teachers for school years starting after June 30, 2007.
2. It repeals statutory language that limits the amount a school administrative unit may be required to increase the salary of any teacher to no more than \$500 in one school year.
3. It provides that the intent of the Legislature is that the State provide 100% of the funding from state General Fund appropriations to achieve the \$27,000 minimum salary for certified teachers for the 2006-2007 school year and to achieve the \$30,000 minimum salary for certified teachers for the 2007-2008 school year, including dedicating a portion of the targeted funds to implement a standards-based system for fiscal year 2006-07.
4. It provides that, beginning in school year 2008-2009, the funding necessary to continue to provide the \$30,000 minimum salary for certified teachers who are employed by qualifying school administrative units must be included as an adjustment to the state share provided to qualifying school administrative units in the determination of the state and local shares calculated in accordance with the Essential Programs and Services Funding Act.
5. It also provides that, in school year 2009-2010 and each subsequent school year, money from the state General Fund must be allocated to continue this adjustment for the minimum salary for certified teachers who were employed by qualifying school administrative units in school year 2008-2009 and who continue to be employed in the same school administrative units in the subsequent school year.
6. It indicates that it is the intent of the Legislature that the 123rd Legislature appropriate at least \$2,118,308 in fiscal year 2007-08 to carry out the purpose of the Maine Revised Statutes, Title 20-A, section 13406 and section 15689, subsection 7, paragraph C.
7. It also indicates that the intent of the Legislature is that the amount required to meet the employer share of teacher retirement costs attributable to achieving the minimum teacher salary in fiscal year 2006-07 and fiscal year 2007-08 be appropriated or allocated to the Maine State Retirement System in the appropriate fiscal year, including dedicating a portion of the targeted funds to implement a standards-based system in fiscal year 2006-07 to meet the employer share of teacher retirement costs attributable to achieving a \$27,000 minimum teacher salary in fiscal year 2006-07.
8. The law amends Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to be distributed in fiscal year 2006-07 under the Essential Programs and Services Funding Act to include the minimum teacher salary.

Education and Cultural Affairs

PUBLIC 639 An Act To Fund Youth Mentoring Programs

LD 979

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER EDMONDS	OTP-AM	H-332 S-682 ROTUNDO

Public Law 2005, chapter 639 establishes the Maine Mentoring Partnership Grant Program administered by the Department of Education through the Jobs for Maine's Graduates program to provide grants to eligible entities for mentoring programs that provide guidance, support and encouragement to young people through the development of structured relationships. Grants range from \$1,000 to \$75,000, depending on financial need. The law also provides a one-time General Fund appropriation of \$25,000 in fiscal year 2006-07 to the Jobs for Maine's Graduates program.

PUBLIC 651 An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events

LD 1964

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-788 S-689 ROTUNDO

Public Law 2005, chapter 651 authorizes the State Librarian to enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible blind and disabled persons. The law also provides a General Fund appropriation of \$5,000 in fiscal year 2006-07.

PUBLIC 653 An Act To Improve the Oral Health of Maine's Children

LD 1936

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SMITH N	OTP-AM	S-498 S-672 ROTUNDO

Public Law 2005, chapter 653 directs the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to develop and implement a grant program to award funds to nonprofit organizations to provide oral health assessments and dental services to eligible children. The law directs the Commissioner of Education and the Commissioner of Health and Human Services to convene a task force to assist in developing and implementing the grant program. The task force is charged with advising the commissioners on models for the provision of oral health assessments in the schools or that are facilitated by school administrative units and criteria to use in selecting among applicants for grants and schools to participate. The commissioners are required to report back to the joint standing committee of the Legislature having jurisdiction over education matters. Beginning in fiscal year 2006-07, the law also provides for an annual transfer of \$25,000 from General Fund undedicated revenues to fund the grant program.

Education and Cultural Affairs

PUBLIC 657 An Act To Invest in the Future of Maine Citizens

LD 1954

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN NORTON	OTP-AM	S-586 S-702 ROTUNDO

Public Law 2005, chapter 657 establishes the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The law authorizes the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund. The law also appropriates \$25,000 in General Funds in fiscal year 2006-07 to the After-school Program Fund.

PUBLIC 662 An Act To Improve Early Childhood Special Education
EMERGENCY

LD 1772

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM MAJ ONTP MIN	S-585

Public Law 2005, chapter 662 consolidates and reorganizes the delivery of early childhood special education services including the child development services system, to achieve efficiencies of cost and effectiveness of childhood special education programs. The law accomplishes the following.

1. It consolidates the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.
2. It directs the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education must adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.
3. It revises existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.
4. It requires that "related services" be provided at public expense to children with disabilities. "Related services" means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.
5. It further amends state statutes to ensure consistent terminology, including replacing the term "exceptional student" with the term "child with a disability."

Education and Cultural Affairs

6. It reorganizes the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public Law 2005, chapter 12, Part YY.
7. It establishes initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.
8. It provides the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.
9. It establishes the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee shall function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee shall submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee has the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Public Law 2005, chapter 662 was enacted as an emergency measure effective May 30, 2006.

**PUBLIC 674 An Act To Prevent the Use of Performance-enhancing Substances
by Maine Student Athletes**

LD 1952

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CUMMINGS	OTP-AM	S-479 S-673 ROTUNDO

Public Law 2005, chapter 674 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It requires the Department of Education to notify all school administrative units with students in grades 9 to 12 who participate in sports of the list. It requires the Department of Education to request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances and requires school administrative units to update their policies concerning performance-enhancing substances. A person violating provisions relating to banned performance-enhancing substances is subject to sanctions in accordance with local policies.

Education and Cultural Affairs

**P & S 38
EMERGENCY**

**An Act To Restore the Cost-sharing Agreement Established by the
Voters of Maine School Administrative District No. 40**

LD 1903

Sponsor(s)
MILLER
DOW

Committee Report
OTP-AM

Amendments Adopted
H-771

Private and Special Law, chapter 38 reestablishes the cost-sharing agreement established in 1992 at a referendum election by the voters of Maine School Administrative District No. 40. That cost-sharing formula apportions all the local share contributions to the school district on the basis of 50% of each town's valuation and 50% of each town's student population. The law also preserves the right of the voters of the school district to amend that formula in the future according to the procedures to amend cost-sharing arrangements that are available under current law.

Private and Special Law 2005, chapter 38 was enacted as an emergency measure effective March 17, 2006.

**P & S 39
EMERGENCY**

An Act Relating to the Flanders Bay Community School District

LD 1851

Sponsor(s)
BIERMAN

Committee Report
OTP

Amendments Adopted

Private and Special Law 2005, chapter 39 removes existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The law clarifies the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district, provides that the district is governed by the laws of the State applicable to community school districts, and validates and approves all prior actions and obligations of the district and its governing body.

Private and Special Law 2005, chapter 39 was enacted as an emergency measure effective March 17, 2006.

P & S 42

**An Act To Raise the Debt Limit of the City of Brewer High School
District**

LD 1988

Sponsor(s)
FISHER
ROSEN R

Committee Report
OTP

Amendments Adopted

Private and Special Law, chapter 42 amended the private and special law that established the City of Brewer High School District to increase the debt limit of the district from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer. The law clarifies the authority of the City of Brewer to convey property to the district and authorizes the district to enter into agreements with the Federal Government, the Maine Municipal Bond Bank and others to help finance school construction projects in the City of Brewer. The law also clarifies the authority of the district to renovate and repair its school buildings.

Education and Cultural Affairs

P & S 45 **An Act Amending and Restating the Charter of The President and**
EMERGENCY **Trustees of Colby College**

LD 2012

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CANAVAN	OTP-AM	S-501

Private and Special Law, chapter 45 amends the charter of The President and Trustees of Colby College to increase the maximum number of trustees from 31 to 35 and to increase the minimum number of trustees from 21 to 24. The law clarifies that the President of Colby College is a trustee ex officio. The law also updates the language concerning removal of trustees in a manner consistent with Maine law and repeals Private and Special Law 1959, chapter 42.

Private and Special Law, chapter 45 was enacted as an emergency measure effective March 30, 2006.

P & S 52 **An Act To Extend the Alternative Delivery Methods Pilot Program**
 for Certain School Construction Projects

LD 2113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	
	OTP-AM MIN	

Private and Special Law 2005, chapter 52 extends the pilot program for using alternative delivery methods for school construction by authorizing an additional 10 school construction projects. The additional projects must be locally funded school construction projects, must have a minimum total project cost of \$2,500,000 and must have an executed contract between the school administrative unit and the project designer dated prior to August 1, 2009.

The law also directs the assessment team to review these additional projects and report its findings and recommendations on the pilot project no later than December 12, 2008 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 124th Legislature to implement the recommendations of the assessment team.

P & S 69 **An Act To Promote Economic Development by Enhancing**
EMERGENCY **Educational Opportunities**

LD 1785

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL NORTON	OTP-AM	S-497 S-669

Private and Special Law 2005, chapter 69 directs the Department of Education to work towards expanding the number of adult education programs offering services to facilitate the successful transition to college to 30 sites over a 5-year period. The law directs the Department of Education to work with interested parties in developing criteria for selecting sites and specifies that 7 pilot programs currently in operation serve as a model for

Education and Cultural Affairs

programs at additional sites. The law further directs the Department of Education to provide a progress report no later than January 15, 2007, and a final report by January 15, 2008, to the joint standing committee of the Legislature having jurisdiction over education matters.

The law deappropriates excess funds in the Homestead Property Tax Exemption Reimbursement program and in the Debt Service - Government Facilities Authority program and appropriates an additional \$4,200,000 in ongoing funding for the University of Maine System and an additional \$1,600,000 in ongoing funding for the Maine Community College System.

Private and Special Law 2005, chapter 69 was enacted as an emergency measure effective June 2, 2006.

RESOLVE 171 EMERGENCY	Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education	LD 2069
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 171 provides for legislative review of the final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education that has been provisionally repealed.

Resolve 2005, chapter was passed as an emergency measure effective April 7, 2006.

RESOLVE 182 EMERGENCY	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education	LD 1963
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 182 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Resolve 2005, chapter 182 was passed as an emergency measure effective April 12, 2006.

Education and Cultural Affairs

**RESOLVE 204 Resolve, To Extend the Reporting Deadline for the Task Force on
Citizenship Education**

LD 2112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 2005, chapter 204 reestablishes the Task Force on Citizenship Education and extends the deadline for its final report to December 7, 2006. The resolve also provides that the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the First Regular Session of the 123rd Legislature to implement the recommendations of the task force.

RESOLVE 210 Resolve, To Promote Training Centers for Entrepreneurship

LD 1387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-482
MITCHELL		S-666 ROTUNDO

Resolve 2005, chapter 210 requires that the University of Maine System and the Maine Community College System review course offerings relating to entrepreneurship and promote their campuses as entrepreneur training centers. The resolve also requires the Commissioner of Education, the Chancellor of the University of Maine System and the President of the Maine Community College System to meet regularly to review entrepreneurship education within elementary, secondary and postsecondary schools and to report on the state of entrepreneurship education in the State to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than February 1, 2007.

**RESOLVE 211 Resolve, To Facilitate Implementation of the Sports Done Right
Program**

LD 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-438
CUMMINGS	OTP-AM MIN	S-677 ROTUNDO

Resolve 2005, chapter 211 encourages schools and communities in Maine to collaborate with the Maine Center for Sport and Coaching to develop the Sports Done Right program to promote positive sports experiences for Maine youth. It encourages the center to facilitate adoption of the Sports Done Right program in schools and communities. It encourages schools and communities to assess their athletic programs and consider participating in this program. It appropriates \$25,000 to the Maine Center for Sport and Coaching to increase the center's capacity to offer training and expand the number of schools participating in the program. It requires the Maine Center for Sport and Coaching to report to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the Sports Done Right program.

Health and Human Services

PUBLIC 467 An Act To Establish a Maternal and Infant Death Review Panel

LD 1420

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ	H-728
MARTIN	ONTP MIN	H-739 PINGREE

Public Law 2005, chapter 467 establishes the maternal and infant death review panel within the Department of Health and Human Services. The law allows contact with the parents or authorized representative of a deceased person more than 4 months after the death. The law requires the maternal and infant death review panel to offer a copy of its annual report to parents and authorized representatives that consent to participate in the review.

PUBLIC 480 An Act To Amend Certain Requirements in the ASPIRE-TANF Program

LD 1746

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP	
O'BRIEN		

Public Law 2005, chapter 480 clarifies that participants in the Parents as Scholars Program are not limited to a maximum of 24 months of education, training and treatment in the ASPIRE-TANF program. It eliminates several outdated provisions in the statute as well.

PUBLIC 481 An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas

LD 1753

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP	

Public Law 2005, chapter 481 sets a maximum amount of \$500 on the penalty that may be imposed by the Department of Health and Human Services on any eating establishment, eating and lodging place, lodging place, recreational camp or camping area that operates without the required license upon a second or subsequent adjudication of unlicensed operation. Prior to the enactment of this law there was a minimum fine but no maximum fine.

Health and Human Services

PUBLIC 483 An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

LD 1036

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO BARSTOW	OTP-AM	S-456

Public Law 2005, chapter 483 changes to 3 business days the time period in which a funeral director must notify the overseer of a municipality of the death of a person eligible for general assistance, changes the time period for the overseer to decide on an application for burial or cremation costs to 8 days and removes the proposed changes to the relatives responsible for paying for burial or cremation.

PUBLIC 521 An Act To Amend the Laws Governing Permanency Guardians

LD 1852

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-817

Public Law 2005, chapter 521 provides that a permanency guardian's resources and income are not counted in determining eligibility for any public benefit to which the child who is the subject of the guardianship may be entitled. It specifies that the guardianship subsidy will not be counted as resources or income for eligibility for public benefits for the child except as required by federal law or regulation and inserts the federal exception into the law on eligibility for benefits for the guardian. It also provides that the District Court may appoint a permanency guardian in a proceeding pending on September 17, 2005 or commenced on or after September 17, 2005, which is the effective date of the law governing permanency guardians. It also provides that the Department of Health and Human Services may provide a guardianship subsidy to a child who is the subject of a child protection proceeding pending on September 17, 2005 or commenced on or after that date.

PUBLIC 522 An Act To Expand the Alternative Aid Program

LD 1854

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER MAYO	OTP-AM	H-820

Public Law 2005, chapter 522 increases the availability of alternative aid assistance under the Temporary Assistance for Needy Families (TANF) program from a benefit available once-in-a-lifetime to a benefit that can be accessed annually. Under the law, eligible applicants may receive alternative aid assistance once during any 12-month period in order to obtain or retain employment instead of receiving monthly TANF payments. The law also clarifies that the eligibility criteria is set forth in the department's rules and the value of the aid cannot exceed 3 times the value of monthly TANF benefit for which the applicant's family is eligible.

Health and Human Services

PUBLIC 530 An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers

LD 1887

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-813
MAYO		H-884 PINGREE

Public Law 2005, chapter 530 updates terminology and definitions related to child care facilities and family child care in the Department of Health and Human Services' licensing and certification statutes. It repeals the requirement that the department distribute a brochure explaining the difference between home day care and home baby-sitting services, adds family child care providers to the group of child care providers that must comply with lead hazard screening requirements and clarifies the circumstances under which a provider is not required to be certified. It also specifies that routine technical rulemaking procedures apply only to the changes required by this law and requires that the rule changes be completed by October 1, 2006.

PUBLIC 565 An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws

LD 1760

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM MAJ	S-515
MILLER	OTP-AM MIN	

Public Law 2005, chapter 565 specifies that, under the Maine Health Data Organization laws, dental service policies are not considered limited benefit health insurance policies and are subject to the permanent funding assessment. It allows the Maine Health Data Processing Center to receive and process claims from entities outside the State, specifies how the net earnings of the center must be distributed and requires the Maine Health Data Organization board of directors to report those net earnings each year. It also increases the fine from \$250,000 to \$500,000 for a person who receives and uses data of the Maine Health Data Organization for commercial advantage, pecuniary or personal gain or malicious harm.

PUBLIC 581 An Act To Amend the Law Regarding Smoking in Private Clubs

LD 1901

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROSE	OTP-AM	H-830
		S-537 MAYO

Public Law 2005, chapter 581 amends the law that allows smoking in private clubs if a majority of members votes to allow smoking by changing the voting requirement to a majority of ballots received.

It allows smoking in qualifying clubs if a majority of all valid ballots cast by members and received by a qualifying club are in favor of smoking. This is a change from current law, which in order to allow smoking requires a vote in favor of smoking by a majority of all members. The law sets certain standards for the vote, including a 30-day notice, absentee ballots and notification to the Maine Center for Disease Control and Prevention. The law directs the Maine Center for Disease Control and Prevention to adopt rules and designates

Health and Human Services

those rules as major substantive rules. The law provides transition provisions for qualifying clubs that conducted votes in favor of smoking prior to August 1, 2006.

See the Errors Bill, LD 2055, Part F, changing the August dates in the law to September.

PUBLIC 588	An Act To Establish Guidelines and Criteria for Audits Conducted	LD 1951
EMERGENCY	by the Department of Health and Human Services	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM	H-933

Public Law 2005, chapter 588 changes some of the practices governing audits of health care providers and other community services conducted by the Department of Health and Human Services. The law requires the department to apply revised audit interpretations prospectively and to post final audit interpretations or decisions on the department's website. It requires the department to amend its rules governing reimbursement, contracting, grants, payments, cost reports and audits by December 15, 2006. It provides criteria that the department's audit staff must consider when determining the reasonableness of costs, including employee compensation and benefits costs, as well as new time frames for informal review decisions and appeals. It requires the department to study the methods of cost reimbursement and to report the findings and make recommendations to the Joint Standing Committee of Health and Human Services by January 1, 2007. It also requires studies on the timing of audits and providers' training and technical assistance needs and requires the Department of Health and Human Services to report the findings and make recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2008. It allows the committee to report out legislation to accomplish the recommendations of the reports.

Public Law 2005, chapter 588 was enacted as an emergency measure effective April 14, 2006.

PUBLIC 589	An Act Regarding Prescription Drug Information Intermediaries	LD 1992
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PINGREE	OTP-AM	S-549

Public Law 2005, chapter 589 prohibits a prescription drug information intermediary from selling or exchanging for value prescription drug information that identifies directly or indirectly an individual who is the subject of the prescription drug information. It designates a violation of this Act as a violation of the Maine Unfair Trade Practices Act. The law also requires drug manufacturers who pay the fee for state oversight of prescription drug and clinical trial information to pay that fee to the State. Current law requires that fee to be paid to the Department of Health and Human Services. The law does not change or add to the fee.

Health and Human Services

PUBLIC 610 An Act To Increase Consumer Awareness of Prescription Drug Pricing

LD 1987

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	OTP-AM MAJ	H-965
MAYO	ONTP MIN	S-587 MAYO

Public Law 2005, chapter 610 requires a pharmacist or person acting at the direction of a pharmacist to provide usual and customary price information to consumers and, if reasonably obtainable, the price applicable to the consumer. The law directs a pharmacy to post a notice about the availability of price information and requires a pharmacy to give consumer price information in person or on the telephone. The law also directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services, Office of Elder Services to convene a working group to discuss consumer access to prescription drug information and to post on the Internet basic prescription drug information.

PUBLIC 615 An Act To Facilitate the Maine Quality Forum

LD 2097

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-1077
MAYO		

Public Law 2005, chapter 615 allows a limited public records exception for practitioner-specific data used or maintained by the Maine Quality Forum. It keeps the data confidential until it is determined to be complete and accurate by the director of the Maine Quality Forum, at which time the data becomes available for public inspection.

PUBLIC 628 An Act To Address Potential Shortages of Influenza Immunizing EMERGENCY Agents in Maine

LD 2106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 628 requires influenza vaccine manufacturers and distributors to report information on the distribution of flu vaccines within the state to the Department of Health and Human Services. It provides a public records exception, which makes the information reported to the department confidential. It allows the department to release the information to certain entities under certain circumstances to facilitate access to the vaccines by Maine residents.

Public Law 2005, chapter 628 was enacted as an emergency effective May 4, 2006.

Health and Human Services

PUBLIC 640 An Act To Change the Child Care Facility Licensing Laws

LD 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	OTP-AM	H-346 S-662 ROTUNDO

Public Law 2005, chapter 640 requires that a license for a child care facility, family child care provider, or nursery school be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection within the 2-year license term and that beginning January 1, 2007, the license fees are doubled.

PUBLIC 648 An Act Regarding Continuing Improvements in the MaineCare EMERGENCY Program

LD 1757

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO WALCOTT	OTP-AM	S-547

Pubic Law 2005, chapter 648 authorizes the Department of Health and Human Services to adopt rules with retroactive application to increase provider reimbursement in order to ensure access to covered medically necessary services for MaineCare members. The law also repeals the repeal date of July 1, 2006 on the authority of the department to adopt rules with retroactive application.

The law directs the MaineCare Advisory Committee to review the report of the Blue Ribbon Commission on the Future of MaineCare with the goal of identifying initiatives for continuing improvement and monitoring changes in the federal Medicaid program and directs the committee to report to the Joint Standing Committee on Health and Human Services any recommendations for legislation or rulemaking in an initial report by September 1, 2006 and a final report by January 1, 2007.

Public Law 2005, chapter 648 was enacted as an emergency measure effective May 30, 2006.

PUBLIC 670 An Act To Establish the Hospital and Health Care Provider Cooperation Act

LD 2110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	S-654

Public Law 2005, chapter 670 repeals the Hospital Cooperation Act of 1992. It enacts the Hospital and Health Care Provider Cooperation Act to provide a mechanism that hospitals and health care providers may use to provide state action immunity under federal antitrust laws when hospitals enter into cooperative agreements with other hospitals and health care providers enter into cooperative agreements with other health care providers. The law prohibits issuing to health care providers a certificate of public advantage for a cooperative agreement that allows coordinated negotiation and contracting with payors or employers unless the negotiation and contracting are ancillary to clinical or financial integration. This prohibition is not intended to preclude

Health and Human Services

consideration of whether clinical or financial integration is necessary to demonstrate that likely benefits outweigh likely disadvantages for the issuance of a certificate of public advantage with respect to a cooperative agreement for coordinated negotiation and contracting filed by hospitals. The law requires a public hearing on the application for a certificate of public advantage if 5 or more persons request a hearing and requires a record of the hearing to be kept as part of the public record of the application. The law sets the application fees for hospital and health care provider applications for certificates of public advantage. The law maintains the same assessments as are in the current Hospital Cooperation Act of 1992.

The law requires that the Department of Health and Human Services to report by April 1, 2007 and January 1, 2008 to the joint standing committee of Legislature having jurisdiction over health and human services matters on the experience of the department in administering the Hospital and Health Care Provider Cooperation Act.

The law includes an application clause to apply the new law to agreements entered into on or after June 1, 2006.

PUBLIC 672 An Act To Create the Maine Asthma and Lung Disease Research Fund LD 904

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-294 S-681 ROTUNDO

Public Law 2005, chapter 672 establishes the Maine Asthma and Lung Disease Research Fund in the Department of Health and Human Services, Bureau of Health to provide grants for research into the health effects of indoor and outdoor air pollution and the prevention, causes, treatment and cure of lung diseases such as asthma, emphysema and chronic obstructive pulmonary disease. The funding source of the fund is a voluntary checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

The application date is tax years beginning on and after January 1, 2006. The Commissioner of Administrative and Financial Services is directed to seek outside funds to support the fiscal year 2006-07 start-up costs of the Maine Asthma and Lung Disease Research Fund income tax checkoff. The law becomes effective 90 days after the commissioner certifies that the necessary funds have been received.

PUBLIC 680 An Act Regarding Access to Mental Health Services LD 1183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-279 S-665 ROTUNDO

Public Law 2005, chapter 680 allows the Department of Health and Human Services to increase the maximum number of visits for psychological services benefits for individual and group counseling for which a member is eligible under MaineCare Basic from 16 to 24 visits per year, if the costs associated with the increase are offset by savings from managing the use of services.

Health and Human Services

P & S 65

An Act To Increase Wheelchair Van Services Reimbursement Rates

LD 1914

Sponsor(s)
TUTTLE

Committee Report
OTP-AM

Amendments Adopted
H-871
S-687 ROTUNDO

Private and Special Law 2005, chapter 65 directs the Department of Health and Human Services to increase the reimbursement rates for wheelchair van services. It appropriates from the General Fund for fiscal year 2006-07 \$50,000 and allocates matching federal funds.

**RESOLVE 139
EMERGENCY**

Resolve, Regarding Comprehensive Community Health Coalitions

LD 1614

Sponsor(s)
ROSEN R
PINGREE

Committee Report
OTP-AM

Amendments Adopted
S-455

Resolve 2005, chapter 139 requires the Department of Health and Human Services to recognize and partner with comprehensive community health coalitions. The resolve directs the Public Health Work Group created under the State Health Plan to form 2 subcommittees to work on core competencies, functions and performance standards for comprehensive community health coalitions and to inventory resources and develop a plan to integrate some funding sources to support the public health priorities and functions identified in the State Health Plan. The resolve requires state agency members of one subcommittee to determine how to integrate the core competencies, functions and performance standards into the work and funding decisions of their agencies. The resolve requires reporting to the Joint Standing Committee on Health and Human Services and the Public Health Work Group by the subcommittees and requires the Public Health Work Group to report to the Joint Standing Committee on Health and Human Services by January 1, 2007.

Resolve 2005, chapter 139 was passed as an emergency measure effective March 17, 2006.

RESOLVE 147

Resolve, Directing the Department of Health and Human Services To Review How It Handles Services Provided to Persons with Developmental Disabilities and Mental Retardation

LD 1555

Sponsor(s)
LERMAN
NASS R

Committee Report
OTP-AM

Amendments Adopted
H-815

Resolve 2005, chapter 147 relates to providers of services to persons with developmental disabilities and mental retardation. This resolve requires the Department of Health and Human Services to post provider payment interpretations on the Internet, to develop a medication administration curriculum and to determine whether cost-of-living adjustments will be included in the department's budget request that is submitted to the Governor.

Health and Human Services

RESOLVE 148 Resolve, Regarding Hospital Free Care Guidelines

LD 846

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-816

Resolves 2005, chapter 148 directs the Department of Health and Human Services to amend its rules on hospital free care guidelines by October 1, 2006 to provide for eligibility for free care for persons below 150% of the federal nonfarm income official poverty line.

RESOLVE 149 Resolve, Directing the Commissioner of Health and Human Services To Develop Strategies To Keep Senior Citizens Safe from Falls

LD 1707

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL COURTNEY	OTP-AM	H-814

Resolve 2005, chapter 149 directs the Commissioner of Health and Human Services to appoint a statewide Falls Prevention Coalition that is responsible, under the direction of Department of Health and Human Services, Office of Elder Services, for reviewing health costs associated with falls and for assessing strategies for preventing falls along with associated costs of implementing the strategies. It directs the coalition to submit a report by November 2, 2006 to the Joint Standing Committee on Health and Human Services that includes findings and recommendations along with suggestions for legislation.

RESOLVE 150 Resolve, Regarding Substance Abuse Treatment Services

LD 1875

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM MAJ	H-818
HASTINGS	OTP-AM MIN	
	ONTP MIN	

Resolves 2005, chapter 150 requires the Department of Health and Human Services, Office of Substance Abuse to amend its rules for opioid treatment programs to require more counseling at the beginning of treatment and less as treatment progresses, to require an opportunity for public input in the relicensing process and to require consideration of treatment needs in the licensing process.

Health and Human Services

RESOLVE 152 EMERGENCY	Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services	LD 2004
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 152 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 152 was passed as an emergency measure effective March 30, 2006.

RESOLVE 153 EMERGENCY	Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services	LD 2005
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 153 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 153 was passed as an emergency measure effective March 30, 2006.

RESOLVE 154 EMERGENCY	Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services	LD 2003
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 154 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 154 was passed as an emergency measure effective March 30, 2006.

Health and Human Services

RESOLVE 155 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2008**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs - Private Non-Medical Institutions Level I, a
 Major Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 155 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 155 was passed as an emergency measure effective March 30, 2006.

RESOLVE 156 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2006**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs: Level IV Residential Care Facilities, a Major
 Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 156 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 156 was passed as an emergency measure effective March 30, 2006.

RESOLVE 157 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2011**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs: Level III Residential Care Facilities, a Major
 Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 157 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 157 was passed as an emergency measure effective March 30, 2006.

Health and Human Services

RESOLVE 158 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2010**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs: Level II Residential Care Facilities, a Major
 Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 158 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 158 was passed as an emergency measure effective March 30, 2006.

RESOLVE 159 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2009**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs: Level I Residential Care Facilities, a Major
 Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 159 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 159 was passed as an emergency measure effective March 30, 2006.

RESOLVE 160 **Resolve, Regarding Legislative Review of Portions of Chapter 113:** **LD 2007**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs: Assisted Living Programs, a Major
 Substantive Rule of the Department of Health and Human
 Services

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2005, chapter 160 provides for legislative review of portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 160 was passed as an emergency measure effective March 30, 2006.

Health and Human Services

RESOLVE 161 Resolve, Regarding Effective Administration of the MaineCare Program

LD 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PINGREE	OTP-AM	S-486

Resolves 2005, chapter 161 directs the Department of Health and Human Services to use claims and encounter data and its decision support system to evaluate the extent to which service limits under the MaineCare Basic program result in members obtaining additional services from alternative providers or in alternative settings. The resolve directs the department to confer with the MaineCare Advisory Committee and to report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.

RESOLVE 164 Resolve, To Preserve Patient Records

LD 1994

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W BARTLETT	OTP-AM	H-882

Resolve 2005, chapter 164 directs the Department of Health and Human Services to amend the rules regarding licensing for general and specialty hospitals and ambulatory surgical facilities to require general public notice or notice to a patient when hospitals and facilities plan to destroy or purge images of a patient that were made using x rays, magnetic resonance imaging or computerized tomography. The resolve designates the rules as routine technical rules.

RESOLVE 165 Resolve, Regarding Legislative Review of Portions of Chapter 270: EMERGENCY Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

LD 1982

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-881

Resolve 2005, chapter 165 authorizes final adoption of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization. The rule change establishes quality metrics for healthcare associated infections and requires hospitals to report specific data related to these metrics.

Resolve 2005, chapter 165 was passed as an emergency measure effective April 4, 2006.

Health and Human Services

RESOLVE 166 **Resolve, Regarding Legislative Review of Portions of Chapter 120:** **LD 1976**
EMERGENCY **Release of Data to the Public, a Major Substantive Rule of the**
 Maine Health Data Organization

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 166 authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization related to the release of health care practitioner data.

Resolve 2005, chapter 166 was enacted as an emergency with an effective date of April 4, 2006.

RESOLVE 185 **Resolve, To Clarify Contingency Allowance under the Certificate** **LD 1784**
EMERGENCY **of Need Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-548

Resolve 2005, chapter 185 directs the Department of Health and Human Services to revise or adopt rules as needed to provide for a contingency allowance of 5% to 8% depending on the type of project, as defined in the rules, in issuing a certificate of need. The contingency allowance may not be subject to an additional cap other than the applicable percentage and the department shall repeal the current cap of \$1,000,000. The law defines the related rules as routine technical rules.

Resolve 2005, chapter 185 was passed as an emergency measure effective April 13, 2006.

RESOLVE 186 **Resolve, To Ensure Coordination and Effectiveness in the** **LD 1701**
 Provision of Services under the MaineCare Noncategorical Waiver

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-964

Resolve 2005, chapter 186 directs the Department of Health and Human Services to develop processes for tracking the number of mental health treatment sessions provided to noncategorical MaineCare members and to establish a prior authorization process to help manage the members' services so that the services are not exhausted within any given calendar year. It directs the department to establish criteria for clinical justification for allowing noncategorical MaineCare members to receive up to 24 visits, excluding visits for medication management, as long as any costs are offset by savings from managing the utilization of services through methods that may include prior authorization. It directs the department to develop systems to enable healthcare providers, with the noncategorical MaineCare members' permission, to identify the eligibility category of noncategorical members, the members' enrollment dates and the members' recertification dates in order to help the noncategorical members manage their benefits and receive the mental health treatment needed. It also directs the department to develop systems for transition planning for noncategorical members who for any reason leave the MaineCare program and to provide a priority reinstatement process for certain noncategorical members.

Health and Human Services

RESOLVE 188 **Resolve, Directing the Department of Health and Human Services
To Develop a Model for Community-based Therapeutic Living
Settings for Adults with Mental Illness** **LD 1983**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS MAYO	OTP-AM	H-932

Resolve 2005, chapter 188 directs the Department of Health and Human Services to develop a model for a system of community-based therapeutic living settings for adults with mental illness.

It requires that the model grant priority to persons who previously lived in residential placements or in the Augusta Mental Health Institute. It requires the development of a per-unit comparison of residential placements with the assistance of the Office of Fiscal and Program Review. It requires a report no later than September 1, 2006.

RESOLVE 192 **Resolve, To Improve Quality and Access to Mental Health Care
Through the Development of a Joint Strategic Plan** **LD 1973**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R PINGREE	OTP-AM	S-569

Resolve 2005, chapter 192 requires Maine's 4 mental health hospitals to jointly develop a comprehensive strategic plan for the provision of hospital-based mental health services.

The development of the plan is required to include 3 steps in the strategic planning process, each step gradually more inclusive. Assistance may be requested from the Office of Fiscal and Program Review. The resolve requires reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the 2nd draft plan by January 15, 2007 and the final draft plan by March 15, 2007.

RESOLVE 194 **An Act To Improve Retention, Quality and Benefits for Direct
Care Health Workers** **LD 1934**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-568

Resolve 2005, chapter 194 requires the Department of Health and Human Services to study options for, and cost of, increasing wages and providing health coverage for direct care workers in state-funded and MaineCare-funded long-term care programs.

The study includes a survey of former direct care workers to determine whether they would return to work if the pay were increased to \$10 per hour and a survey of organizations serving senior citizens to determine the level of interest of older persons in becoming direct care workers.

Health and Human Services

RESOLVE 195 **Resolve, Regarding Legislative Review of Portions of Chapter 33:** **LD 2064**
EMERGENCY **Home Day Care Provider Rules, a Major Substantive Rule of the**
 Department of Health and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 195 provides for legislative review of portions of Chapter 33: Home Day Care Provider Rules, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 195 was passed as an emergency measure effective April 19, 2006.

RESOLVE 196 **Resolve, Regarding Legislative Review of Portions of Chapter III,** **LD 2062**
EMERGENCY **Section 50: Intermediate Care Facilities for the Mentally**
 Retarded, a Major Substantive Rule of the Department of Health
 and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 196 provides for legislative review of portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a major substantive rule of the Department of Health and Human Services.

Resolve 2005, chapter 196 was passed as an emergency measure effective April 19, 2006.

RESOLVE 199 **Resolve, To Ensure the Availability of Consumer-directed** **LD 1991**
 Personal Assistance Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-581
RICHARDSON J		S-600 MAYO

Resolve 2005, chapter 199 accomplishes the following.

1. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to adopt rules to increase rates of reimbursement for providers of consumer-directed personal care assistance services up to \$10 per hour rate of pay, depending on available funds.
2. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to initiate a competitive bidding process to solicit bids from prospective providers of consumer-directed personal care assistance services.

Health and Human Services

3. It directs the Commissioner of Health and Human Services and the Commissioner of Labor to develop a plan and timeline to implement recommendations of the working group established pursuant to Public Law 2003, chapter 673 on consumer direction in Maine's long-term supportive services system, and to submit the plan and timeline to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Labor.
4. It requires the Commissioner of Health and Human Services and the Commissioner of Labor to conduct a survey of wages and benefits of personal care assistants, including those in programs for which funds are provided by the State, and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2007.
5. It requires the Department of Health and Human Services to submit an amendment to the Medicaid state plan for a program for personal assistance services for persons with physical disabilities.

RESOLVE 203 Resolve, Directing the Department of Health and Human Services LD 1995
To Amend Its Rules To Ensure Efficiencies in the Billing and
Delivery of Outpatient Clinical Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS BRENNAN	OTP-AM	H-1033 H-1045 PINGREE

Resolve 2005, chapter 203 requires the Department of Health and Human Services, in implementing managed behavioral health care services and consistent with budgeted savings, to amend its rules to allow MaineCare reimbursement to outpatient behavioral health care clinical service providers who practice independently and who participate in the department's managed care initiative.

RESOLVE 213 Resolve, To Collect Information about Employer-based Health LD 1927
Coverage

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS CANAVAN	OTP-AM	S-580 S-688 ROTUNDO

Resolve 2005, chapter 213 directs the Department of Labor to conduct a one-time limited survey project to collect and analyze information on employer-sponsored health coverage. The resolve allows a larger data collection effort if department funds are available. The resolve protects the confidentiality of information that directly identifies employers that is collected and generated for the survey by the Department of Labor and requires a report by February 1, 2007 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over insurance and financial affairs and the Board of Directors of Dirigo Health that presents the information in aggregate form and does not identify employers by name.

Inland Fisheries and Wildlife

PUBLIC 536 An Act To Improve Recreational Watercraft Safety

LD 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM A	H-850
	OTP-AM B	
	OTP-AM C	

Public Law 2005, chapter 536, beginning January 1, 2007, prohibits a person 16 or 17 years of age from operating a personal watercraft unless:

1. That person is accompanied on the personal watercraft by someone at least 18 years of age; or
2. That person while operating the personal watercraft possesses identification showing proof of age and proof of successful completion of an approved boater safety education course.

Public Law 2005, chapter 536 also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to work together and with other interested parties to study the feasibility of developing a statewide boater safety education program and to report back their findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources by February 1, 2007.

**RESOLVE 131 Resolve, To Direct the Department of Inland Fisheries and
Wildlife To Determine the Feasibility of Integrating Certain Moose
Management Practices between Tribal and Nontribal Lands**

LD 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F	OTP-AM	H-743

Resolve 2005, chapter 131 directs the Department of Inland Fisheries and Wildlife to work with tribal members to determine the feasibility of providing moose hunting permits to tribal members for use on nontribal lands without jeopardizing the State's moose management goals. Among other things it requires the department to consider authorizing the use of tribally issued moose permits on non-tribal lands and the issuance of moose permits by the department to tribal members. Resolve 2005, chapter 131 also directs the department to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 17, 2007 and authorizes that committee to report out legislation to the First Regular Session of the 123rd Legislature.

Inland Fisheries and Wildlife

PUBLIC 465 **An Act To Authorize the Commissioner of Inland Fisheries and**
EMERGENCY **Wildlife To Allow the Operation of Snowmobiles Registered**
 outside the State at Special Events Occurring in the State

LD 1695

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-435

Public Law 2005, chapter 465 corrects an error that was made when Public Law 2005, chapter 456 removed the authority granted to the Commissioner of Inland Fisheries and Wildlife by Public Law 2005, chapter 1 to allow the operation of snowmobiles registered outside the State at special events occurring in the State.

Public Law 2005, chapter 465 was enacted as an emergency measure effective February 1, 2006.

PUBLIC 547 **An Act To Allow Smelt Dipping in Mud Brook in Aroostook**
 County

LD 1813

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-806
MARTIN	ONTP MIN	S-524 BRYANT B

Public Law 2005, chapter 547 allows a person to harvest no more than two quarts of smelt per day with a dip net from Mud Brook, a tributary of Long Lake in Aroostook County. It prohibits the harvest of smelt from Mud Brook for commercial purposes. Public Law 2005, chapter 547 is repealed on July 1, 2009.

PUBLIC 504 **An Act To Protect Volunteer-earned Funds of the Maine Wildlife**
 Park

LD 1819

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN	OTP-AM	H-778
TURNER		

Public Law 2005, chapter 504 provides that volunteer-earned funds of the Maine Wildlife Park may not be used to reduce overall state funding of the park.

Inland Fisheries and Wildlife

PUBLIC 470 **An Act To Prevent the Introduction of Pathogens into the State**
EMERGENCY **That Threaten the Health of Maine's Fish and Wildlife Resources**

LD 1832

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-742

Public Law 2005, chapter 470 authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to prevent the introduction of pathogens into the State that pose a significant risk to Maine's fish and wildlife resources.

Public Law 2005, chapter 470 was enacted as an emergency measure effective February 17, 2006.

PUBLIC 477 **An Act To Revise Certain Fish and Wildlife Laws**
EMERGENCY

LD 1939

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B WATSON	OTP-AM	S-446

Public Law 2005, chapter 477 does the following:

1. It changes the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;
2. It changes the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime and increases the fine to a mandatory minimum fine of \$1,000 and at least 3 days in jail;
3. It clarifies where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;
4. It clarifies that the prohibition on possessing, selling or transporting an endangered or threatened species includes the parts of those species;
5. It provides a resident disabled veteran a complimentary migratory waterfowl permit, a bear hunting permit and a guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;
6. It clarifies that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook;
7. It adds snowmobiles and all-terrain vehicles to the provision of law regarding the admissibility in court of hospital test results when a person has been involved in an accident while operating a motor vehicle or watercraft under the influence;
8. It adds .17 caliber firearms to the law prohibiting the use of .22 caliber firearms for hunting deer and moose;

Inland Fisheries and Wildlife

9. It removes Long Lake Wildlife Management Area in Aroostook County from the list of designated wildlife management areas;
10. It clarifies that certain existing laws pertaining to hunting also apply to hunting with crossbows;
11. It allows a super pack licensee to harvest one deer during either the open firearm season or the special archery season or the special muzzle-loading season and one antlerless deer as provided by the license provisions. Prior to Public Law 2005, chapter 477, the holder of a super pack license could take 2 deer; one deer during the regular open firearm season only and one antlerless deer as provided by the license provisions; and
12. It makes changes to certain ice fishing provisions in accordance with MCJUSTIS.

Public Law 2005, chapter 477 was enacted as an emergency measure effective March 8, 2006.

PUBLIC 495 An Act To Support Fishing Derbies EMERGENCY

LD 1967

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND PLUMMER	OTP-AM	S-463

Public Law 2005, chapter 495 increases from \$25,000 to \$100,000 the maximum total value of prize money for a fishing derby that is held on Sebago Lake in Cumberland County and is conducted in conjunction with the Department of Inland Fisheries and Wildlife's fisheries management objectives.

Public Law 2005, chapter 495 was enacted as an emergency measure effective March 16, 2006.

RESOLVE 179 Resolve, To Allow the Department of Inland Fisheries and Wildlife To Convey a Part of a Parcel of Land in the Town of Fairfield

LD 2050

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-922

Resolve 2005, chapter 179 authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Fairfield for the appraised fair market value.

Inland Fisheries and Wildlife

**PUBLIC 626 An Act To Implement the Recommendations of the ATV Trail
Advisory Council**

LD 2057

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-947
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Public Law 2005, chapter 626 implements certain recommendations of the ATV Trail Advisory Council report as follows.

1. It gives the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations are suspended, it must be for a period of at least 90 days;
2. It requires the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer;
3. It creates 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications; and
4. It provides that an ATV may be operated on a public way for up to 500 yards if it can be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

**RESOLVE 172 Resolve, Regarding Legislative Review of Portions of Chapter
1.03: Waters of Special Significance, a Major Substantive Rule of
the Department of Inland Fisheries and Wildlife**

LD 2066

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Resolve 2005, chapter 172 authorizes the Department of Inland Fisheries and Wildlife to adopt proposed major substantive rules, Chapter 1.03: Waters of Special Significance, regarding the designation and management of brook trout waters.

Insurance and Financial Services

PUBLIC 468 An Act To Address Benefits for Employees and Officers of Credit Unions

LD 1723

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MAYO	OTP	

Public Law 2005, chapter 468 authorizes a state-chartered credit union to provide employee benefits, including retirement benefits, to its employees and officers and fund those employee benefit plan obligations with investments that would otherwise be impermissible under state law. The law also authorizes the Superintendent of Financial Institutions to adopt rules to implement the law and to address any safety and soundness issues.

PUBLIC 484 An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit

LD 1783

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN PERRY A	OTP-AM	S-451

Public Law 2005, chapter 484 exempts home equity lines of credit accessed by a credit card from the provision of law that prohibits the imposition of a finance charge on purchases made during a billing cycle if they are paid for no later than 25 days after the closing date of that billing cycle. The law also clarifies that home equity lines of credit accessed by a credit card are still subject to the Maine Consumer Credit Code provisions limiting the maximum interest rate for home equity lines of credit to 18%.

PUBLIC 485 An Act To Establish the Securities Investor Education and Training Fund

LD 1855

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MAYO	OTP-AM	H-753

Public Law 2005, chapter 485 establishes the Securities Investor Education and Training Fund as a dedicated nonlapsing fund within the Department of Professional and Financial Regulation, Office of Securities to be used for the purposes of securities education and training. The fund must consist of grant or donation funds, as well as amounts credited to the education and training fund pursuant to designations in consent orders or agreements and court orders or judgments that result from a multistate investigation or a joint investigation with the federal Securities and Exchange Commission. The fund is independent from the operating fund for the Office of Securities.

Insurance and Financial Services

PUBLIC 493 **An Act To Increase Accessibility to Health Insurance**
EMERGENCY

LD 1734

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM	H-758

Public Law 2005, chapter 493 amends the definition of "legally domiciled" for purposes of becoming eligible to purchase individual health insurance so that a person is required to satisfy 2 of 6 criteria before becoming eligible. The law also expands the criteria for eligibility to purchase health insurance coverage to include a valid passport or visa, a sworn affidavit declaring a person's intent to reside in this State and a state identification card in lieu of a driver's license. Under current law, a person must satisfy 3 of the following 4 criteria: a valid driver's license; proof of voter registration; a permanent dwelling place in the State; or proof of filing of a resident income tax return.

Public Law 2005, chapter 493 was enacted as an emergency measure effective March 16, 2006.

PUBLIC 532 **An Act Protecting Youth from Losing Health Insurance Coverage**

LD 2014

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PERRY A	OTP-AM	S-512

Public Law 2005, chapter 532 requires individual and group health insurers that provide coverage to dependent children at certain ages only if the children are students to continue coverage for a student who is unable to remain in school on a full-time basis due to a mental or physical illness or accidental injury. The law permits insurers to require the student to provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school full-time due to a mental or physical illness or accidental injury.

PUBLIC 583 **An Act To Amend the Notice of Risk to Personal Data Act**

LD 2017

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-925
	ONTP MIN	

Public Law 2005, chapter 583 extends the current requirement that information brokers notify consumers upon a security breach of the consumers' personal information to other types of persons and businesses, including state government, colleges and universities. The law requires a person who maintains computerized data that includes personal information to notify residents of this State of a security breach if, after a good faith investigation upon becoming aware of a security breach, the person determines that personal information has been misused or it is reasonably possible that misuse will occur. The law provides that if an entity complies with file breach notification requirements established pursuant to federal or Maine law, and if those requirements are at least as protective as the protections granted by the requirements of Public Law 2005, chapter 583, that entity is deemed to be in compliance with the notification requirements of the law.

Insurance and Financial Services

The law requires that when a person notifies consumer reporting agencies of a security breach, the agencies must be informed of the date of the breach, an estimate of the number of individuals affected by the breach, if known, and the actual or anticipated date that the individuals were or will be notified of the breach. Under current law, persons are required to notify consumer reporting agencies if the security breach requires notification to more than 1,000 persons at a single time.

The law clarifies that the definition of personal information subject to the notice requirements of the law after a security breach does not apply to information maintained in 3rd-party claims databases of property and casualty insurance companies.

The law extends regulatory and enforcement authority to the Attorney General's office with respect to persons not under the jurisdiction of the regulatory agencies within the Department of Professional and Financial Regulation. The law also requires the Department of Professional and Financial Regulation and the Attorney General to undertake reasonable efforts to inform persons of their responsibilities under this legislation.

Public Law 2005, chapter 583 takes effect January 31, 2007.

PUBLIC 591 An Act To Clarify the Uninsured Motorist Laws

LD 2021

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
	OTP	MAJ	
	OTP-AM	MIN	
	ONTP	MIN	

Public Law 2005, chapter 591 clarifies the Legislature's intent regarding the uninsured motorist statute in response to the Law Court's decision in Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The law clarifies that an insurance policy may limit uninsured motorist coverage to the recovery of damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.

Judiciary

PUBLIC 464 An Act To Limit the Early Release of Persons Convicted of Certain Crimes LD 1177

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-428
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Public Law 2005, chapter 464 addresses the proposed release of a person found not criminally responsible of murder or a Class A crime by reason of insanity. When the head of the institution in which the person is placed determines that the person may be released, the annual report must include a statement describing the supervision that would be necessary for the release. Chapter 464 requires the monitoring of psychoactive medication. The report provided to the Commissioner of Health and Human Services, which is then forwarded to the court, must contain details of the supervision the Department of Health and Human Services will provide, specifically including measures the department will take to provide psychoactive medication monitoring. If the court orders the person to be released, the order that provides for the release of the person must include the details of the supervision the department will provide, specifically including the measures the department will take to provide psychoactive medication monitoring.

PUBLIC 526 An Act To Support Sibling Rights in Child Welfare Custody Matters LD 1682

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-500
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Public Law 2005, chapter 526 requires the court to order sibling visitation for children who are the subjects of child protection proceedings when it is reasonable, practicable and in the best interests of the children involved to do so. It also requires the Department of Health and Human Services to make reasonable efforts to obtain from prospective adoptive parents an agreement to maintain visitation with a child's siblings after the adoption of the child. It authorizes a child, in a child protection action, to request visitation rights with a sibling from whom the child has been separated as a result of the child protection action.

PUBLIC 529 An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships LD 1874

<u>Sponsor(s)</u> SIMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-831
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Public Law 2005, chapter 529 makes changes to business entity filing fees to be consistent with changes that were made as part of Public Law 2003, chapter 631 and Public Law 2005, chapter 12. Additionally, chapter 529 makes corrections to the time period an entity has to replace its registered agent upon resignation from 30 to 60 days.

Judiciary

PUBLIC 531 **An Act Relating to Mergers and Consolidations of Corporations**
EMERGENCY **without Capital Stock**

LD 2034

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP	

Public Law 2005, chapter 531 clarifies that a corporation without capital stock formed under the Maine Revised Statutes, Title 13 may merge or consolidate with or into a nonprofit corporation formed under Title 13-B.

Public Law 2005, chapter 531 was enacted as an emergency measure effective April 4, 2006.

PUBLIC 538 **An Act Regarding Sexual Assault Forensic Examinations**

LD 1873

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-846

Public Law 2005, chapter 538 authorizes a forensic examination on an unconscious alleged gross sexual assault victim if a reasonable person would conclude that exigent circumstances justify the exam. The forensic examination kit must be identified without specifying the alleged victim's name and stored as required under current law. The law enforcement agency involved must notify the appropriate district attorney that the examination has been conducted and a kit has been completed.

If the alleged victim does not regain consciousness within 60 days and therefore cannot decide whether to report the alleged offense, the State may file a motion in District Court relating to storing or processing the examination kit. The District Court may order continued storage of the kit, may order it to be sent to the Maine State Police Crime Laboratory for processing or may order such other disposition that the court determines is just. The court may conduct hearings confidentially and in camera and impound pleadings and other records related to them.

PUBLIC 540 **An Act To Give Superior Court Clerks and Deputy Clerks the**
EMERGENCY **Authority To Issue Process for the Arrest of Persons Charged with**
 Crimes

LD 2002

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 540 empowers the Chief Justice of the Superior Court to grant to Superior Court clerks and deputy clerks the same statutory authority to issue process for the arrest of persons charged with crimes that has been given to District Court clerks, in view of the changes to the court's rules and procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes.

Public Law 2005, chapter 504 was enacted as an emergency measure effective April 5, 2006.

Judiciary

**PUBLIC 543 An Act To Establish the Uniform Partnership Act and the Uniform
Limited Partnership Act**

LD 1609

<u>Sponsor(s)</u> HOBBINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-506
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Public Law 2005, chapter 543 repeals the existing Uniform Partnership Act and enacts the Revised Uniform Partnership Act of 1997 (RUPA) as the new Uniform Partnership Act. It also repeals the Uniform Limited Partnership Act and enacts the Maine Revised Uniform Limited Partnership Act (2001). Chapter 543 takes effect July 1, 2007.

**PUBLIC 544 An Act To Protect Drivers' Privacy by Clarifying Ownership of
Data Recorded by Motor Vehicle Data Recorders**

LD 1885

<u>Sponsor(s)</u> SIMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-876
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Public Law 2005, chapter 544 provides that data recorded by an event data recorder in a motor vehicle are the property of the owner of the motor vehicle and may not be downloaded or accessed by anyone other than the owner, with certain exceptions. The exceptions are:

1. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;
2. A court of competent jurisdiction in this State orders the production of the data;
3. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data;
4. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle;
5. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash;
6. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; and
7. The data are requested as part of routine discovery.

If the event data recorder is capable of recording or transmitting the motor vehicle's location as part of a subscription service, that information must be disclosed in the subscription service agreement. The limitation on the downloading and accessing of data does not apply to subscription services meeting the service subscription agreement disclosure requirement.

Judiciary

The manufacturer of a new motor vehicle that contains an event data recorder and that is sold or leased in this State shall disclose the presence of the event data recorder in the owner's manual for that motor vehicle.

The duty of an insured to cooperate with the insurer in the investigation of any accident or claim under the policy is not affected by the new provisions.

PUBLIC 557 An Act To Amend the Procedures Used in Criminal Proceedings LD 1679
Involving Victims with Developmental Disabilities

<u>Sponsor(s)</u> TUTTLE HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-845
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Current law allows into evidence certain out-of-court statements made by minors describing sexual contact. Public Law 2005, chapter 557 extends the admissibility into evidence of such statements to those made by persons with developmental disabilities.

PUBLIC 564 An Act To Replace the Common Enemy Rule with Regard to LD 816
Changing the Flow of Surface Water

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-542
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Public Law 2005, chapter 564 changes the applicable rule governing alteration of surface water flow that affects another person's land. Existing Maine case law applies the "common enemy rule" to define a landowner's responsibility for altering the flow of surface water, also known as "diffuse surface water," that affects another's land. Chapter 564 adopts the "reasonable use rule;" it establishes as a nuisance the unreasonable use of a person's land that results in the altering of the flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land. An action must be commenced within 3 years after the cause of action accrues. Chapter 564 takes effect January 1, 2007 and applies to actions for which the cause of action accrues on or after that date.

PUBLIC 566 An Act To Allow the Department of Health and Human Services LD 1743
EMERGENCY To Locate Parents Who Are Delinquent in Child Support
Payments through Information Related to Cellular Telephones

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-535
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Public Law 2005, chapter 566 is based on the current law that authorizes the Department of Health and Human Services to conduct a data match with financial institutions for the purpose of locating child support obligors.

Chapter 566 allows the department to submit a list of child support obligors to wireless service providers to be used to conduct computerized matches with the wireless service providers' account holders. The wireless service providers must provide in return lists of the matched names, plus the birth dates, social security numbers,

Judiciary

addresses and employers of those matched, if that information is available. The department may submit the list for matching no more often than once every calendar quarter.

To cover the costs of carrying out the requirements of this section, a wireless service provider may assess a reasonable fee to the department not to exceed the actual costs incurred by the wireless service provider.

Public Law 2005, chapter 566 was enacted as an emergency measure effective April 11, 2006.

PUBLIC 567	An Act To Protect Children from Contact with Convicted Sex Offenders	LD 1778
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<u>Sponsor(s)</u> PERRY J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-536
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Public Law 2005, chapter 567 creates an additional factor the court must consider in determining the best interests of the child when establishing a parental rights and responsibilities order. The new wording ensures that the court will consider whether one of the parents is residing with a person who has been convicted of a sexual offense or sexual exploitation of a minor or a person who was adjudicated as having committed a sexual offense in a child protective proceeding in which the person was a party. The same applies to a person who was adjudicated as a juvenile as having committed the same types of offenses. Chapter 567 does not affect the judge's discretion in determining the best interests of the child.

PUBLIC 572	An Act To Implement Model Time-share Foreclosure Procedures	LD 1932
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<u>Sponsor(s)</u> HOBBINS KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-557
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Public Law 2005, chapter 572 establishes a nonjudicial process for the foreclosure of time-share estates pursuant to a power of sale granted in a mortgage instrument and for the foreclosure of a lien for assessments. Chapter 572 specifies requirements for notice of the foreclosure of a time-share estate, and sale of the foreclosed units. Mortgages on time-share estates that do not contain a power of sale also may be foreclosed by a nonjudicial process if notice is given to the time-share owner and that owner fails to object to the process in a timely manner. A holder of a mortgage who conducts a nonjudicial foreclosure forfeits any right to pursue a claim for deficiency in payment of the time-share owner's obligations resulting from the application of the proceeds of the sale to those obligations. The right to a deficiency is also extinguished when the holder of a security interest in a time-share license conducts a nonjudicial foreclosure.

PUBLIC 574	An Act Regarding Working Waterfront Covenants	LD 1930
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<u>Sponsor(s)</u> DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-556
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Public Law 2005, chapter 574 implements authority given to the Land for Maine's Future Board to be a party to working waterfront covenants. It provides the necessary definitions and provisions for creation, conveyance,

Judiciary

acceptance and duration of working waterfront covenants, along with provisions for the scope and validity of such covenants, as well as applicability provisions. An existing interest in property is not affected by a covenant unless the owner is a party to the covenant or consents to the covenant. A municipality may bring an action or intervene in an action affecting a working waterfront covenant. A court is required, when modifying, terminating or denying equitable enforcement of a working waterfront covenant, to find that, due to a change in circumstance, the covenant no longer serves the public interest in protecting or enhancing the commercial marine fisheries or related businesses in the State. The Attorney General must be made a party to an action to modify, terminate or enforce a covenant. Written notice of an action must be provided to the Commissioner of Marine Resources. Restrictions in the working waterfront covenant apply to uses of the subject real estate and do not limit the types of persons or businesses that may own, lease or use the real estate.

PUBLIC 579 An Act To Clarify Laws Governing Eminent Domain

LD 1870

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-945

Public Law 2005, chapter 579 prohibits the use of eminent domain authority for purposes of private retail, office, commercial, industrial or residential development; primarily for the enhancement of tax revenue; or for transfer to individuals and to for-profit business entities. The restriction does not apply to an area upon a finding of blight under current law governing urban development, community development and housing authority programs. The restriction does not apply to utilities. The restriction applies to land currently used for agriculture, fishing or forestry or land improved with residential homes, commercial buildings or other structures.

Public Law 2005, chapter 579 applies retroactively to the date the United States Supreme Court issued the Kelo v. City of New London opinion, which is June 23, 2005.

PUBLIC 580 An Act To Prevent Price Gouging

LD 1892

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-875 H-894 SIMPSON

Public Law 2005, chapter 580 repeals and replaces the current "profiteering in necessities" statute to protect consumers from unconscionably high prices for necessities during abnormal market disruptions. It ties such profiteering to the Maine Unfair Trade Practices Act, authorizing injunctive relief and significant monetary penalties. It establishes the authority of the Governor to declare the existence of an abnormal market disruption in one or more necessities or categories of necessities. During a declared abnormal market disruption, profiteering in necessities is a civil violation and may be prosecuted as a violation of the Maine Unfair Trade Practices Act, except that private remedies are not available. Profiteering in necessities means selling or offering to sell necessities at an unconscionable price.

Judiciary

PUBLIC 587 An Act To Allow Certain End-of-life-care Decision-makers To LD 1842
Consent to Organ and Tissue Donation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROSE	OTP-AM	H-890

Public Law 2005, chapter 587 amends the Uniform Anatomical Gift Act to include in the prioritized list of persons who can make decisions about organ donation both agents appointed under a durable health-care power of attorney or an advance health-care directive and registered domestic partners.

PUBLIC 594 An Act To Correct Deficiencies in the Divorce Laws LD 1812

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-869

Public Law 2005, chapter 594 adds as a ground for divorce that a judicial determination has been made that one of the parties is an incapacitated person, as defined in the Probate Code, for whom a guardian with full powers has been appointed. The court hearing the divorce must appoint a guardian ad litem for the incapacitated person. Chapter 594 also specifies that the trial court in a divorce may issue an order concerning spousal support while the action is pending, including on appeal, and also that the trial court may modify and enforce such orders while the action is pending.

PUBLIC 625 An Act To Implement Recommendations Concerning Temporary LD 2087
Guardian and Conservator Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1023

Public Law 2005, chapter 625 was submitted by the Joint Standing Committee on Judiciary pursuant to Resolve 2005, chapter 91. It is based on recommendations included in the report submitted by the Department of Health and Human Services prepared pursuant to the same resolve. Chapter 625 requires that before a person files a petition for a temporary guardianship or conservatorship, notice of the petition must be given to the allegedly incapacitated person or the person alleged to be in need of protection as well as specific family members or others involved in the life of that person. The specifics of the notice are listed. Notice is not required in certain circumstances. Chapter 625 provides guidance to the Probate Courts in the determination of whether an emergency exists that necessitates the appointment of a temporary guardian or conservator. The court may make such an appointment in order to prevent serious, immediate and irreparable harm to the health or financial interests of the person.

Judiciary

PUBLIC 629 An Act To Prevent Unauthorized Practice of Immigration and EMERGENCY Nationality Law

LD 1996

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-977
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Public Law 2005, chapter 629 creates the Immigration and Nationality Law Assistance Act that authorizes nonlegal immigration and nationality law assistance but limits it to certain services defined in the act that do not rise to the level of legal advice or representation. In addition, the act allows federally authorized immigration representatives who are not members of the Maine Bar to provide immigration and nationality law representation in immigration proceedings before federal agencies if authorized by federal law. The act prohibits certain activities in the course of providing immigration and nationality law assistance, including representations or advertisements that could cause a customer to believe that the provider of assistance either is authorized to practice law in Maine when the provider is not or possesses special skill or expertise in immigration and nationality law matters when the provider is not a member of the Maine Bar or a federally authorized immigration representative. The law also creates new requirements that a notary public who is not a member of the Maine Bar must follow when advertising notary services in a language other than English, the effect of which is to provide notice to potential customers that the notary is not an attorney and may not give legal advice about immigration or any other legal matter.

Public Law 2005, chapter 629 was enacted as an emergency measure effective May 4, 2006.

PUBLIC 630 An Act To Facilitate the Hiring of Health Care Personnel during Emergency Circumstances

LD 2036

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-615
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Public Law 2005, chapter 630 grants private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure. The private institutions must follow certain procedures in obtaining information about the health care worker in order to receive the immunity. Chapter 630 provides that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

Judiciary

PUBLIC 631 An Act To Implement the Recommendations of the Freedom of Access Advisory Committee

LD 2111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2005, chapter 631 includes recommendations of the Freedom of Access Advisory Committee, established by Resolve 2005, chapter 123, and recommendations of the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 432. Chapter 631 establishes the Right To Know Advisory Committee, a permanent advisory council representing all levels and branches of government as well as the media and the public. The advisory committee has oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying the freedom of access laws. The responsibility for reviewing existing public records exceptions, currently a task assigned to the Joint Standing Committee on Judiciary, is shifted to the advisory committee. Flexibility for review of exceptions outside of the listed schedule is provided. The advisory committee may make recommendations for changes in the statute to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations. This bill revises the schedule for review of existing public records exceptions and includes in the review the question of whether there is a publicly accountable entity with authority to review the activities of the agency or official that collects, maintains and uses confidential information.

PUBLIC 642 An Act To Amend the Laws Concerning Eminent Domain

LD 1203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER CROSBY	OTP-AM	S-609

Public Law 2005, chapter 642 increases the amount of reimbursement from \$1,000 to \$2,500, consistent with federal changes, paid by the Department of Transportation to a business for actual reasonable expenses for searching for a replacement when the property is taken through eminent domain. It also increases the maximum reimbursement for expenses necessary to reestablish a farm, nonprofit organization or small business from a maximum of \$10,000 to a maximum of \$20,000, consistent with federal changes. The maximum fixed payment for business and farm displacements is increased from \$20,000 to \$100,000. Chapter 642 applies the same reimbursement and displacement payment responsibilities to municipalities when exercising eminent domain authority under the general authorization and for economic development purposes.

Chapter 642 applies to municipalities the same relocation and reimbursement provisions concerning residential takings that currently apply to the Department of Transportation when municipalities exercise eminent domain authority under the general authorization and for economic development purposes.

The Department of Transportation is required to examine the criteria currently used to determine in lieu payments rather than actual relocation costs. The department shall compile information from January 1, 2004 to the present, and determine consequences that would result from changing the criteria to a net operating income basis or other formulation. The department shall report to the joint standing committee of the Legislature having

Judiciary

jurisdiction over judiciary matters by January 15, 2007. The committee may report out legislation to the 123rd Legislature.

PUBLIC 654 An Act To Amend the Fees for Probate Filings

LD 1800

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-617

Public Law 2005, chapter 654 raises certain Probate Court filing fees and sets other fees at the same amount charged by the District Court and Superior Court for similar procedures.

PUBLIC 659 An Act To Amend the Law Governing DNA Testing

LD 1907

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MARTIN	OTP-AM	H-994

Public Law 2005, chapter 659 amends the postjudgment of conviction motion for DNA analysis procedures in the Maine Revised Statutes, Title 15, chapter 305-B. It expands the universe of convicted persons authorized to seek relief under Title 15, chapter 305-B to those persons who have been convicted of any Maine felony crime and whose actual sentence includes straight imprisonment or imprisonment accompanied by parole, probation, supervised release or administrative release that has not yet been fully served. It provides that a qualifying person who may have previously sought relief under Title 15, chapter 305-B and obtained DNA test results that showed that the person was not the source of the evidence may again seek relief based upon the new standards. It establishes a two-year period of limitation for filing a motion seeking relief under Title 15, chapter 305-B.

Chapter 659 amends the law governing the five things to be demonstrated by the convicted person for a new trial. It includes consideration of what information DNA analysis technology that was not available when the person was convicted is capable of providing with respect to the evidence sought to be analyzed in the event the evidence has been previously analyzed.

Chapter 659 provides three alternative standards for granting a new trial in the event the results of the DNA analysis show the convicted person is not the source of the evidence. The third and final standard, new paragraph C, differs from the first two in that a convicted person need not establish by clear and convincing evidence that only the perpetrator of the crime or crimes for which the person was convicted can be the source of the evidence. Because the convicted person is not required to make such a showing, the standard required under new paragraph C is made up of the five prerequisites for obtaining a new trial based on newly discovered evidence set forth in Maine case law and consistently applied by the Law Court. The convicted person must show all five prerequisites by clear and convincing evidence. In the first and second standards listed as paragraphs A and B, because the convicted person is required to make such a showing, the five prerequisites for obtaining a new trial based on newly discovered evidence are truncated. Under the first standard, new paragraph A, the person must also establish by clear and convincing evidence that the DNA test results, when considered with all the other admitted evidence, old and new, show that the person is actually innocent of the crime or crimes for which the person was convicted. Under the second standard, new paragraph B, the person need not show actual innocence, but instead must establish by clear and convincing evidence that the DNA test results, when considered with all the other admitted evidence, old and new, would make it probable that a

Judiciary

different verdict would result upon a new trial. This second standard is like that currently found in Title 15, section 2138, subsection 8, paragraph B.

Chapter 659 adds a definition for "all the other evidence in the case, old and new," as used in new paragraphs A and B and new paragraph C, subparagraph (1). Further, although not expressly stated in paragraphs A and B and paragraph C, subparagraph (1), it is intended that the court, as in any hearing for a new trial based on newly discovered evidence, must determine both weight and credibility to be attached to the newly discovered evidence. It is intended that the Maine Rules of Evidence apply at any hearing conducted under the subsection.

Chapter 659 takes effect September 1, 2006.

PUBLIC 678 An Act To Issue Certificates of Title for Single-unit Mobile Homes

LD 2061

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1038

Public Law 2005, chapter 678 recognizes manufactured housing as an important component of the housing industry in the State and as residential property whether it is considered personal property or real property. It establishes a titling program for certain manufactured housing. Excepted from the titling requirements is manufactured housing that is permanently fixed to real property within 30 days of the date of sale. Chapter 678 establishes a procedure to cancel a certificate of title once the titled manufactured housing is permanently affixed to real property.

Public Law 2005, chapter 678 is effective October 1, 2007.

PUBLIC 682 An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

LD 1741

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER SMITH N	OTP-AM	H-1081 SIMPSON S-543

Public Law 2005, chapter 682 establishes confidentiality protections for certain information if the State Auditor creates a hotline or other referral service for the confidential reporting of fraud, waste, inefficiency and abuse in State Government. The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse in State Government to a hotline or other referral service is confidential, except that the person making the complaint may allow disclosure. The content of the complaint and any resulting investigation are confidential, except that the State Auditor shall publish a report of each complaint alleging fraud, waste, inefficiency or abuse within 120 days of receiving the complaint. In addition, the State Auditor must submit an annual summary of the complaints made to the hotline or other referral service. Chapter 682 requires coordination between the State Auditor and the director of the Office of Program Evaluation and Governmental Accountability, and specifically gives the director access to confidential information to be shared by the State Auditor. The provisions relating to the State Auditor are repealed July 1, 2009.

Chapter 682 requires (in unallocated law) that the State Auditor, the director of the Office of Program Evaluation and Governmental Accountability and the Attorney General jointly establish criteria for the referral of complaints and the coordination of response.

Judiciary

**PUBLIC 683
EMERGENCY**

**An Act To Correct Errors and Inconsistencies in the Laws of
Maine**

LD 2055

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
		H-1085
		H-1101 SIMPSON
		H-1102 SIMPSON
		H-1103 SIMPSON
		H-1110 SIMPSON
		H-1111 SIMPSON
		H-1112 SIMPSON
		H-1118 SIMPSON
		H-1119 SIMPSON

Public Law 2005, chapter 683, in Parts A and B, corrects technical errors and inconsistencies in the Laws of Maine. Parts C, D, E, F, G, H and I make changes that are or could be considered substantive.

Part C makes the following changes:

1. Clarifies the capacity of the deputy treasurer of state to vote on boards when the Treasurer is absent;
2. Corrects inconsistencies that were created by Public Law 2005, chapter 343, which changed the composition of the Pharmaceutical Cost Management Council but did not change the number of members to coincide with the change in the composition of the council;
3. Amends the law creating a private right of action for damages for illegal wagering to cover all wagers for which a license is required. This covers all horse racing for which wagers may be accepted by a licensee in this State. The current law limits the illegal wagering to harness racing;
4. Corrects an error in the laws governing mandatory building standards for residential construction by changing references to the Department of Economic and Community Development to references to the Public Utilities Commission;
5. Corrects formatting errors to reflect the intent of the original law concerning Probate proceedings;
6. Corrects a cross-reference concerning the duties and powers of personal representatives;
7. Amends the Maine Uniform Trust Code to carry out the original intent concerning a trust settlor's options regarding the provision of information to beneficiaries;
8. Amends the fee schedule for copies of certain documents provided by municipal clerks;
9. Conforms language within the Emergency Medical Services laws to technical drafting standards and classifies a violation as a Class E crime;
10. Clarifies the appropriation in Public Law 2005, chapter 519, Part GGG, section 1, which appropriated funds to two newly built hospice facilities and identifies certain details of the plan grantees must submit to the Department of Health and Human Services. The Department of Health and Human Services is required to submit a report to certain joint standing committees of the Legislature identifying how the grant funds were utilized by the grantees;

Judiciary

11. Corrects an error in Public Law 2005, chapter 519, Part UUU, section 2, which deappropriated funds from the All Other line category in fiscal year 2005-06 concerning education in the Unorganized Territory. The funds should have been deappropriated from the Personal Services line category; and
12. Directs the Board of Environmental Protection to amend chapter 335: Significant Wildlife Habitat, a major substantive rule, by changing a date contained in one of the criteria for determining whether a shorebird feeding or staging site qualifies as significant shorebird habitat from 1989 to 1987.

Part D clarifies that the Consolidated Emergency Communications Fund created in Public Law 2005, chapter 519, Part OO applies to all municipal, county and state governmental units, not just Kennebec County and allows for the establishment of positions when any governmental unit voluntarily consolidates communications systems. Part D also corrects the name of the Consolidated Emergency Communications Bureau. This Part is retroactive to the effective date of the public law.

Part E corrects a reference to the number of members of the Professional Standards Board and corrects a cross-reference by adding a subsection reference that was omitted.

Part F provides for the protection of proprietary information by the Department of Marine Resources under the Maine Working Waterfront Access Pilot Program.

Part G changes the date for the new voting procedure for smoking in private clubs from August 1, 2006 to September 1, 2006 and makes the same change in the transition section. It also changes the duration of the vote's authority to September 1, 2008.

Part H authorizes school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national board-certified teachers without calling for a special meeting of the local legislative body. These provisions apply to fiscal year 2006-07 only.

Part I corrects two references in the formula for calculation of county and municipal spending growth limitations by specifying that adjustments for changes in state funding are calculated by multiplying the prior year's funding by one plus the growth limitation factor.

Public Law 2005, chapter 595 provided that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects be designated as major substantive rules effective January 1, 2007. Part J deletes the reference to secondary schools in the enacted law because the intent of the Legislature was to amend the Chapter 61 State Board of Education rules that pertain to the approval of major capital construction projects for elementary and secondary schools.

Part K designates the name of T11 R14 WELS as Clayton Lake as of January 1, 2007.

Part L clarifies that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled when the central server is operated or managed by the Secretary of State. This is to allow compliance with the federal Help America Vote Act of 2002, which requires the provision of voting systems equipped for individuals with disabilities. This new language is repealed 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

Judiciary

Part M removes the language that exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Public Law 2005, chapter 636).

Public Law 2005, chapter 683 was enacted as an emergency measure effective June 2, 2006.

RESOLVE 169 **Resolve, Concerning the Authority of "Do Not Resuscitate"**
EMERGENCY **Directives**

LD 1763

<u>Sponsor(s)</u> BRYANT B BRYANT M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-522
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Resolve 2005, chapter 169 addresses an individual's informed decision to refuse resuscitation. It directs the Department of Public Safety, Medical Direction and Practices Board to revise the Maine Emergency Medical Services protocols to allow emergency medical services providers to honor an individual's decision to refuse resuscitation if that decision is made available in an individual instruction that shows informed consent to the decision. The protocols must result in forms that are clear and can be made immediately available to emergency medical services providers.

Resolve 2005, chapter 169 directs the Director of Maine Emergency Medical Services within the Department of Public Safety to report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters about the change in protocols, the forms and the instructions developed to implement and complement the protocols, educational initiatives undertaken and planned and any recommended legislation.

Resolve 2005, chapter 169 authorizes the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the 123rd Legislature concerning advance health-care directives and "do not resuscitate" decisions.

Resolve 2005, chapter 169 was finally passed as an emergency measure effective April 7, 2006.

RESOLVE 200 **Resolve, To Create the Human Trafficking Task Force**
EMERGENCY

LD 1296

<u>Sponsor(s)</u> MARRACHE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-864 S-534 HOBBS
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Resolve 2005, chapter 200 creates the Human Trafficking Task Force and directs it to propose criminal statutes. The task force will also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning "bride trafficking" and "international matchmaking organizations," address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking. The task force must seek outside funding. The task force shall report no later than November 30, 2006 and may submit legislation.

Resolve 2005, chapter 200 was passed as an emergency measure effective April 28, 2006.

Labor

PUBLIC 498 An Act To Amend the Laws Governing Employees of the Workers' Compensation Board LD 1715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-761

Public Law 2005, chapter 498 adds the position of Deputy Director of Information Management and the salary range of the position to the list of salary ranges of deputy directors of the Workers' Compensation Board.

PUBLIC 516 An Act To Clarify Maine State Retirement System Benefits for Certain Legislators LD 1806

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM	H-824

Public Law 2005, chapter 516 clarifies that a public school teacher or an employee of the Maine Community College System, on leave of absence to serve in the Legislature, is eligible to become a benefit recipient of the Maine State Retirement System upon the termination of the teaching position, and leave of absence, even if the individual continues to serve as a legislator. A legislator in such circumstances becomes a member of the Maine Legislative Retirement System.

PUBLIC 523 An Act To Assist Maine Military Families LD 1747
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER FISHER	OTP-AM	S-492

Public Law 2005, chapter 523 requires an employer with 50 or more employees to provide leave to an employee who is the spouse, domestic partner or parent of a Maine resident deployed for military service. The leave may be unpaid and is available for up to 15 days immediately prior to or following each deployment. The deployment must last longer than 180 days in order for a spouse, domestic partner or parent employee to be eligible and the employee must provide notice to the employer of the intended date of leave. The law requires the employer to make it possible for a spouse, domestic partner or parent employee to continue employee benefits during leave taken and also provides a cause of action for enforcement and equitable relief.

Public Law 2005, chapter 523 was enacted as an emergency measure effective April 3, 2006.

Labor

PUBLIC 524 An Act To Protect the Employment Rights of Military Reserve and LD 1898
National Guard Personnel

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M	OTP-AM	H-823
BRYANT B		

Public Law 2005, chapter 524 prohibits an employer from requiring that a military member report back to work before the expiration of a certain period of time, based on the length of the military member's service, following the completion of service and time for safe transportation home.

PUBLIC 537 An Act To Require the Maine State Retirement System To Divest LD 1758
Itself of Holdings in Those Businesses or Corporations Doing
Business in the Nation of Sudan and To Repeal Requirements
Relating to Shareholder Initiatives by State Officials on State
Investments in Northern Ireland

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	S-493
	ONTP MIN	

Public Law 2005, chapter 537 requires the Board of Trustees of the Maine State Retirement System to review the extent to which assets of state pension and annuity funds are invested in companies doing business in or with the nation of Sudan or its instrumentalities and to divest itself of any such holdings. The law also prohibits the Board of Trustees from investing any assets in Sudan or such companies and cites extreme human rights abuses in that country. The law allows the Board to divest in accordance with sound investment criteria and consistent with its fiduciary obligations, and requires divestment to be complete by January 1, 2008. It provides an exemption for short-term investment funds that commingle commercial paper or futures and for other commingled investment or index funds. The law requires the board to report annually to the Legislature on the progress of divestment and the implementation of the statutory section and provides for the repeal of the section on July 1, 2009. It also repeals statutory provisions relating to shareholder initiatives by state officials on state investments in Northern Ireland.

PUBLIC 560 An Act To Clarify the Change of Beneficiary Provision in the LD 1850
Maine State Retirement System Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM	H-921

Public Law 2005, chapter 560 specifies that the rights of a beneficiary or other payee under the laws governing the Maine State Retirement System are subject to the terms of a qualified domestic relations order, in order to clarify that the terms of qualified domestic relations orders must be followed in implementing the laws governing the Maine State Retirement System. The law also provides that a qualified domestic relations order is presumed to be in compliance with all applicable requirements and directs the Maine State Retirement System to give effect to the plain meaning of the terms of such an order despite any failure of the order to cite or reference

Labor

statutory or rule provisions. These provisions are retroactive to January 1, 1985. The law also makes the limitations on the ability of a retiree under the Maine State Retirement System to change the beneficiary of that person in the case of a divorce apply only when the former spouse is named as retirement beneficiary at the time the divorce is granted.

PUBLIC 570 An Act To Create Employment Opportunities for People with Disabilities

LD 1910

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-938
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Public Law 2005, chapter 570 creates a new Part 29 entitled "Employment of Individuals with Disabilities" in Title 5 of the Maine Revised Statutes and requires each state agency to:

1. Review periodically the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities;
2. Develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency;
3. Encourage the employment of individuals with disabilities in its outside contracts;
4. Expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency; and
5. Increase its efforts to accommodate individuals with disabilities.

The law directs the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The law also requires the Department of Health and Human Services and the Department of Labor to produce a report, in consultation with several disabilities services agencies and interested parties, regarding employment opportunities for individuals with developmental disabilities. Finally, the law directs the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, to submit a report with recommendations regarding the funding and implementation of a media campaign designed to increase statewide awareness of employment-related issues affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities.

Labor

PUBLIC 578 An Act To Increase the Minimum Wage

LD 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ	H-725
BRYANT B	ONTP MIN	

Public Law 2005, chapter 578 increases the State minimum hourly wage to \$6.75 per hour starting October 1, 2006 and to \$7.00 per hour starting October 1, 2007.

PUBLIC 603 An Act Regarding the Maine Insurance Guaranty Association

LD 2068

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-941
STRIMLING	ONTP MIN	S-584 STRIMLING

Public Law 2005, chapter 603 makes the Maine Insurance Guaranty Association subject to audit, enforcement and monitoring by the Workers' Compensation Board with respect to workers' compensation claims. The Association is liable for the payment of any compensation, interest, penalty or other obligation determined to be due by the Workers' Compensation Board. The law also includes interest and penalties in the claims the Association is obligated to pay and adds the Association to those entities for which the Workers' Compensation Board has auditing and enforcement responsibility. Finally, the law requires that the audits of the Association consider when the Association obtained the records of an insolvent insurer.

PUBLIC 636 An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

LD 1021

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1007
	OTP-AM MIN	S-660 MARTIN
	ONTP MIN	

Public Law 2005, chapter 636 allows retired county and municipal law enforcement officers and retired municipal firefighters who are enrolled in a county or municipal self-insurance health coverage plan to join the state group health plan under certain circumstances and provides a state premium subsidy. The law also creates the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, which provides for health insurance coverage when the retiree is at least 50 years of age, is eligible for a retirement benefit under certain conditions and participated in the county or municipal health plan while employed. The program provides for a state premium subsidy, beginning July 1, 2007, equal to 45% of the cost of insurance premiums, or dollar equivalents, for each eligible retiree. Health insurance coverage under the program is not effective until July 1, 2007 or the date of retirement, whichever occurs later. Eligible persons, including retirees, whose date of hire is on or before November 1, 2006 must enroll in the plan before January 1, 2007. Eligible persons whose date of hire is after November 1, 2006 must enroll in the plan no later than 60 days following the effective date of hire. Effective January 1, 2007, each county and municipal law enforcement officer and each municipal firefighter who participates as an active employee in a retirement plan

Labor

and who has enrolled in the program must contribute 1.5 % of gross wages to a fund to offset the costs of the program. An enrollee must make contributions to the fund for 60 months, or pay a lump sum dollar equivalent that is computed based on the enrollee's age, in order to be eligible for coverage under the program. Members of volunteer or call firefighters' associations in this State, as well as persons serving as county or municipal law enforcement personnel on a reserve basis, are eligible to participate in the program of health benefits coverage established pursuant to the eligibility criteria and other provisions set forth in the Maine Revised Statutes, Title 24-A, chapter 87 as long as they meet the eligibility requirements under that chapter. The law exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program. The law also includes an appropriations and allocations section. Finally, the law provides for the purchase of retirement benefit portability for coverages under the program by law enforcement officers and firefighters.

Immediately after being chaptered, Public Law 2005, chapter 636 was amended in LD 2055, an errors bill, to remove the exemption from the General Fund appropriation limitation.

PUBLIC 666	An Act To Allow A Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan	LD 2092
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<u>Sponsor(s)</u> JACKSON MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-986 S-690 ROTUNDO
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Public Law 2005, chapter 666 provides that a teacher, whose previous service terminated due to the elimination of the teacher's position as a result of the closure of a school in School Administrative District Number 10 where the teacher was employed, may make one additional election to rejoin the Teacher Group Accident and Sickness and Health Insurance Plan, which election may be exercised at any time after the teacher's retirement.

PUBLIC 668	An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services	LD 2086
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<u>Sponsor(s)</u> MITCHELL HANLEY S	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-583
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Public Law 2005, chapter 668 provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety communications dispatcher for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

Labor

**P & S 36
EMERGENCY**

**An Act To Establish the Administrative Operating Budget for the
Maine State Retirement System for the Fiscal Year Ending June
30, 2007**

LD 1719

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-762

Private and Special Law 2005, chapter 36 establishes the annual administrative operating budget for the Maine State Retirement System for the fiscal year beginning July 1, 2006 and ending June 30, 2007. The budget includes total allocations of \$10,958,309, of which \$7,421,590 is attributed to the General Fund. It authorizes a new expenditure of \$200,000 toward the cost of a complete line-of-business automated computer system that, among other uses and functions, will replace the current benefits payroll technology.

Private and Special Law 2005, chapter 36 was enacted as an emergency measure effective July 1, 2006.

RESOLVE 167

**Resolve, To Direct the Department of Labor To Coordinate a Task
Force To Examine and Study Issues Relating to Workplace Safety
and Workplace Violence**

LD 1699

Sponsor(s)
FISCHER

Committee Report
OTP-AM

Amendments Adopted
H-828

Resolve 2005, chapter 167 requires the Department of Labor to coordinate a task force to conduct a study of issues relating to the workplace for the purpose of making recommendations for legislation to improve workplace safety and reduce workplace violence. The resolve defines the membership of the task force and requires it to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

RESOLVE 181

**Resolve, Establishing the Commission To Study Eliminating the
Normal Retirement Age for Corrections Officers and Mental
Health Workers**

LD 748

Sponsor(s)
GAGNON
DUPLESSIE

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-432
H-935 HUTTON

Resolve 2005, chapter 181 establishes the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying:

1. Whether corrections officers and mental health workers should have uniform retirement benefits;
2. Whether, regardless of age, they should be eligible to retire after 25 years of service without a reduction in benefits; and

Labor

3. If a retirement plan is recommended by the Commission, which job classifications should be included in the plan and possible ways of funding it.

The membership of the commission includes representatives of corrections officers, mental health workers and their employers and 5 legislators. The commission is directed to submit a report and is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature.

RESOLVE 191 Resolve, To Require the Department of Labor, in Consultation LD 1847
with Interested Parties, To Examine the Laws and Practices
Regarding the Definition of "Employment" for Purposes of
Unemployment Compensation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-937

Resolve 2005, chapter 191 requires the Department of Labor to conduct a study of the laws and practices regarding the definition of "employment" for purposes of unemployment compensation. The department must call upon interested parties in conducting its study and submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters with its findings, recommendations and any proposed implementing legislation.

RESOLVE 205 Resolve, Regarding Legislative Review of Portions of Chapter 17: LD 2109
EMERGENCY Rules Regarding Proof of Ownership by Employers Employing
Foreign Laborers To Operate Logging Equipment, a Major
Substantive Rule of the Department of Labor

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1040

Resolve 2005, chapter 205 authorizes the Department of Labor to finally adopt portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers to Operate Logging Equipment, a provisionally adopted major substantive rule submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, as long as certain changes are made relating to the definition of "logging equipment" and to statutory cross references. The law requires changes to clarify that "logging equipment" means harvesting equipment employed in certain uses and that the only transport equipment that meets the definition of "logging equipment" is equipment that may be used on-site to transport logs to roadside. The law also requires changes to remove language describing violations and specifying fines and classes of crimes and to replace it with statutory cross-references to the relevant civil and criminal violation provisions. Finally, the law requires changes to correct a typographical omission by inserting the word "proof" in section IV(B) of the rule and to remove section IV(B)(1) from the rule.

Resolve 2005, chapter 205 was passed as an emergency measure effective May 2, 2006.

Legal and Veterans Affairs

PUBLIC 503 An Act Regarding Promotional Materials and Mail-in Rebates for Spirits

LD 1830

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK MAYO	OTP-AM	H-776

Public Law 2005, chapter 503 clarifies the law regarding promotions in agency liquor stores. It provides that promotional materials, including mail-in rebates, designed to encourage consumer purchase of spirits, upon approval by the commission, may be offered for those spirits products that are listed by the commission. The law specifies that mail-in rebates for spirits must be redeemed by the manufacturer and may not exceed the purchase price of the spirits product. Finally, chapter 503 removes a reference to state liquor stores with regard to combination packages of spirits approved by the State Liquor and Lottery Commission for sale in the State.

PUBLIC 539 An Act To Clarify the Liquor Laws

LD 1883

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-856

Public Law 2005, chapter 539 removes obsolete language from current law pertaining to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and the Department of Public Safety and adds a representative from the bureau to the Server Education Advisory Committee. It also amends the definition of "low-alcohol spirits product" to mean a product containing spirits that has an alcohol content of 6% or less by volume. Current law defines a low-alcohol spirits product as a product containing spirits that has an alcohol content of less than 6% by volume. Chapter 539 clarifies that the State Liquor and Lottery Commission establishes the prices of spirits sold in the State and removes a reference to state discount liquor stores that were authorized by a section of law that has since been repealed.

PUBLIC 542 An Act Regarding the Maine Clean Election Act EMERGENCY

LD 1596

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-521

Public Law 2005, chapter 542 amends the laws governing the use of Maine Clean Election Act funds by participating candidates as follows:

1. It provides for an increased penalty for not including information in required reports about who paid for a political communication with intent to mislead;
2. It provides that municipal candidates may dispose of surplus campaign funds by making a gift to the municipality as state candidates may dispose of surplus campaign funds by making a gift to the State;
3. It clarifies that a candidate participating in the Maine Clean Election Act and all agents of the candidate may not use public funds for anything other than campaign-related purposes;

Legal and Veterans Affairs

4. It requires candidates to deposit Maine Clean Election Act funds into a bank account or other financial institution account;
5. It requires Maine Clean Election Act candidates to keep vendor invoices and cancelled checks or other proof of payment to vendors for expenditures of \$50 or more;
6. It requires that a participating candidate keep account statements for 2 years after the candidate's last election;
7. It authorizes the Commission on Governmental Ethics and Election Practices to require the repayment of Maine Clean Election Act funds used by a campaign treasurer or consultant for other than campaign-related purposes; and
8. It provides for appropriations and allocations in order to transfer money from All Other to Personal Services within the Maine Clean Election Fund to pay for a support staff position for 9 months during the 2006 election year devoted primarily to auditing Maine Clean Election Act candidates.

Public Law 2005, chapter 542 was enacted as an emergency measure effective April 6, 2006.

PUBLIC 562	An Act Regarding Testimony Presented to Joint Select and Joint Standing Committees of the Legislature by Persons Paid To Testify	LD 1993
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<u>Sponsor(s)</u> FAIRCLOTH BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-904
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Public Law 2005, chapter 562 requires a lobbyist or lobbyist associate to disclose the name of the person or organization represented when testifying before a joint select or joint standing committee of the Legislature. It also requires the lobbyist or lobbyist associate to disclose whether the lobbyist or lobbyist associate or the person or organization represented is compensating a person who is testifying before a joint select or joint standing committee of the Legislature. Chapter 562 provides that alleged violations of this requirement may be reported to the Commission on Governmental Ethics and Election Practices in accordance with the Joint Rules of the Legislature.

PUBLIC 568 EMERGENCY	An Act To Amend the Election Laws	LD 1889
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<u>Sponsor(s)</u> FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-866 H-888 GLYNN
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Public Law 2005, chapter 568 restores the voter address confidentiality provisions and requirements for counting valid write-in votes that were eliminated during the First Regular Session of the 122nd Legislature. This law grants authority for the municipal clerk to conduct the duties of the registrar of voters and removes a redundant provision about the certification of the list of absentee voters. The law also prohibits a candidate

Legal and Veterans Affairs

from assisting voters who are unable to sign their own names with signing candidate petitions or Maine Clean Election Act forms. This law clarifies that township voters may choose the most convenient municipality in which to register to vote only if the county commissioners have not provided for a voting place either in the township or in another municipality. The law also removes an inconsistent provision for the retention of voter registration documents and makes a technical change to the ballot retention period provision. Chapter 568 changes certain requirements for reporting to the Secretary of State by qualified political parties and the municipal clerks and prohibits the unauthorized reproduction of unmarked official ballots.

Public Law 2005, chapter 568 was enacted as an emergency measure effective April 11, 2006.

PUBLIC 575	An Act To Implement the Recommendations of the Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access	LD 2029
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-526
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Public Law 2005, chapter 575 includes changes to current law as proposed in the final report of the Commission to Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access as created in Resolve 2005, chapter 127. It requires payment made to a person for circulating a petition for a direct initiative to be itemized on required campaign finance reports. This law clarifies that contributions and expenditures made for the purpose of supporting or opposing a citizen-initiated referendum during the signature gathering phase are required to be reported like other contributions and expenditures. It also requires a report from the Commission on Governmental Ethics and Election Practices regarding the reporting of campaign finances relative to direct initiative campaigns. It also requires a report from the Secretary of State examining ways to improve the way the State provides information to voters about referenda that will appear on the ballot. Chapter 575 directs the Secretary of State to work with the Commission on Governmental Ethics and Election Practices towards making information currently available about direct initiative efforts and campaigns for or against those direct initiatives or campaigns more accessible to the public by providing links on the Secretary of State's or commission's publicly accessible websites directing people to information posted on the other agency's website.

Finally, chapter 575 requires an applicant for a direct initiative or people's veto to provide a copy of the laws and rules governing the circulation of petitions for a direct initiative or people's veto to each person who will be circulating petitions.

PUBLIC 596	An Act To Allow Small Businesses To Participate in Liquor Sales	LD 1820
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<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-821 S-560 GAGNON
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Public Law 2005, chapter 596 provides that when considering issuing a license for an agency liquor store, the licensing division of Department of Public Safety shall consider the absence of an existing agency store in a downtown location with under 3,000 square feet of retail space. This law also provides that the licensing division is not required to consider the availability of parking spaces when issuing a license to a store with under 3,000 feet of retail space in a downtown location.

Legal and Veterans Affairs

**PUBLIC 613 An Act To Require the Commission on Governmental Ethics and
Election Practices To Produce a Register of All Registered
Lobbyists**

LD 1822

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	ONTP MAJ OTP-AM MIN	H-822 S-622 PLOWMAN

Public Law, chapter 613 creates a docket of registered lobbyists and a website for the public display of lobbyist registration information. The docket includes the name of each registered lobbyist, the person employing the lobbyist and the nature of the employer's business and a statement as to the compensation paid to the lobbyist. This docket must be updated monthly and must be indexed alphabetically by both the name of the lobbyist and the name of persons who employ lobbyists. This docket must be made available to the public during regular office hours of the Commission on Governmental Ethics and Election Practices. This law also directs the commission to establish a publicly accessible website that displays a list of lobbyists and their employers and a profile of each. For each employer of a lobbyist, the website must also list all of the legislative actions that were the subject of lobbying including links to the Legislature's website that provides summaries of legislative documents.

PUBLIC 658 An Act To Require the Display of POW-MIA Flags at Courthouses

LD 1899

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES WOODCOCK	OTP-AM	H-827 S-701 ROTUNDO

Public Law 2005, chapter 658 requires courthouses owned by the State to display the Prisoner of War – Missing in Action flag on Former Prisoner of War Recognition Day and 6 national holidays. It also provides that a courthouse owned by the State may display the flag on any other day in addition to those required.

PUBLIC 663 An Act To Make Technical Changes to the Gambling Laws

LD 1748

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-488

Public Law 2005, chapter 663 clarifies the definition of net slot machine income. It provides that the initial registration fee for employees of slot machine operators, slot machine distributors and gambling services vendors is \$250 while the annual renewal fee is \$25. It clarifies that a rule pertaining to fees for slot machines, slot machine distributors, slot machine operators, gambling services vendors and employees is a routine technical rule if the rule proposes a fee of less than \$10,000. It also clarifies a reference to unclaimed winnings, stating that they are retained by the slot machine operator and are not subject to the law governing unclaimed property. Finally, chapter 663 provides that the Gambling Control Board receive per diem payment retroactive to August 1, 2004.

Legal and Veterans Affairs

**RESOLVE 142 Resolve, Directing the Office of Substance Abuse To Study the
Potential Use of Liquor License Fees and Liquor Taxes To Fund
Efficient Delivery of Substance Abuse Treatment and Prevention
Programs**

LD 1838

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-789

Resolve 2005, Chapter 142 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to conduct a study examining potential sources of funding for the delivery of substance abuse prevention and treatment programs and to report the findings to the joint standing committees of the Legislature having jurisdiction over alcoholic beverage matters and substance abuse prevention and treatment program matters. The study must include an examination of current funding of substance abuse prevention and treatment programs and their adequacy and the best practices for the delivery of such programs.

**RESOLVE 180 Resolve, Regarding Legislative Review of Portions of Chapter 520:
EMERGENCY Rules Regarding Publication of Public Comments on Statewide
Referenda, a Major Substantive Rule of the Department of the
Secretary of State, Bureau of Corporations, Elections and
Commissions**

LD 2067

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-905

Resolve 2005, chapter 180 directs the Secretary of State to amend the provisionally adopted major substantive rule regarding publication of public comments on statewide referenda in the following ways:

1. With regard to the payment required for publication, the language must be changed so that cash is not included as a method of acceptable payment. Language must be changed to require that comments are due by 5:00 p.m. on the day prescribed in the provisionally adopted rule; and
2. With regard to the rejection of comments submitted to be included in the Citizen's Guide, the language must be changed to provide a timeline by which the Secretary of State reviews the comments and then notifies the person that submitted the comments so that the submitter may correct the comments and resubmit them. This timeline must be similar to the one provided in Chapter 520, section 3.

Resolve 2005, chapter 180 was passed as an emergency measure effective April 11, 2006.

Legal and Veterans Affairs

RESOLVE 206 **Resolve, Directing the Department of Public Safety To Study the Issues of Alcohol Regulation and To Review the Impact of Out-of-state Sales and Direct Distribution to Maine Consumers** **LD 560**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL	ONTP MAJ	H-1055 VALENTINO
PLOWMAN	OTP-AM MIN	H-975

Resolve 2005, chapter 206 directs the Liquor Licensing and Tax Division within the Department of Public Safety to conduct a study and convene a meeting of interested stakeholders to review and study the laws of alcohol regulation, including the issues associated with out-of-state sales and direct distribution to consumers in the State. The study requires a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters by January 30, 2007.

RESOLVE 215 **Resolve, Regarding a Monument for Women Veterans of Maine** **LD 2013**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP	
CANAVAN		

Resolve 2005, chapter 215 amends Resolve 2005, chapter 116 to extend the Commission to Arrange for a Monument Honoring Women Veterans of Maine until December 7, 2006.

It deallocates funds from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be reallocated to the commission to pay for the meetings of the commission. It also makes the resolve retroactive to September 15, 2005.

Resolve 2005, chapter 215 was passed as an emergency measure effective May 30, 2006.

CON RES 2 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification** **LD 2033**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-895 PATRICK
	ONTP MIN	S-513
		S-544 PLOWMAN

Constitutional Resolution 2005, chapter 2 proposes to amend the Constitution of Maine to specify that signatures on a citizens' petition for direct initiative or people's veto of legislation must be submitted to municipal or state officials by the deadline established in the Constitution in order to be certified. This resolution also requires that a petition for a direct initiative must be filed with the Secretary of State no later than 18 months after the Secretary of State approves the form of the petition.

Marine

PUBLIC 466 An Act to Allow Dragging in Lower Taunton Bay
EMERGENCY

LD 1786

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP	

Public Law 2005, chapter 466 allows dragging in the Taunton River area north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County. Public Law 2005, chapter 466 is repealed on July 1, 2008.

Public Law 2005, chapter 466 was enacted as an emergency measure effective February 2, 2006.

PUBLIC 492 An Act Regarding the Appointment of Harbor Masters

LD 1697

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS HAMPER	OTP-AM MAJ OTP-AM MIN	S-447

Public Law 2005, chapter 492 provides that:

1. The appointment of a harbor master by municipal officers of a town that borders or contains inland waters but does not border or contain territorial waters is discretionary;
2. Municipal authorities may set the compensation for harbor masters appointed under the Maine Revised Statutes, Title 12 which is consistent with harbor master provisions under Title 38;
3. An inland harbor master may not make arrests or carry a firearm unless that harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I; and
4. Regulation of moorings in inland waters is governed by the provisions of Title 38; the provision in Title 12 referencing the applicability of Title 38 to moorings in inland waters does not limit or expand a municipality's ability to regulate moorings as currently provided in law.

**PUBLIC 505 An Act To Amend the Statutes Governing the Commercial Fishing
Safety Council**

LD 1764

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP-AM MAJ ONTP MIN	S-467

Public Law 2005, chapter 505 makes the following changes to the Commercial Fishing Safety Council:

1. It changes the person responsible for making appointments to the council from the Governor to the Commissioner of Marine Resources;

Marine

2. It removes the requirement that 5 members of the council represent different commercial marine harvesting sectors to allow the appointment of more than one council member from the same sector;
3. It requires the Commercial Fishing Safety Council submit a commercial safety fishing plan to the Commissioner of Marine Resources by October 1st of each year and authorizes the commissioner to adopt commercial fishing safety rules recommended by the council.. Prior to Public Law 2005, chapter 505, the Commissioner of Marine Resources was required to submit such a plan to the Commercial Fishing Safety Council; and
4. It requires the Commissioner of Marine Resources and the Commercial Fishing Safety Council to jointly report to the Joint Standing Committee on Marine Resources by January 2, 2007 regarding any rule making activities pursuant to the Maine Revised Statutes, Title 12, section 6176.

PUBLIC 508 EMERGENCY

An Act To Create a Tiered Wholesale Seafood Dealer's License

LD 1961

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-802
	ONTP MIN	

Public Law 2005, chapter 508 establishes a tiered wholesale seafood dealer's license by creating a limited wholesale shellfish harvester's license which allows a person holding this license and a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee. It allows the licensee to, within or beyond the state limits, sell ship or transport in the wholesale trade the shellfish the licensee has harvested and sets the annual fee for the license at \$100.

Public Law 2005, chapter 508 was enacted as an emergency measure effective March 24, 2006.

PUBLIC 525

An Act To Establish Harbor Master Training Requirements

LD 2054

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2005, chapter 525 requires a person appointed or reappointed a harbor master or a deputy harbor master by a municipality that borders territorial waters after August 31, 2006 to complete a basic harbor master training course within one year after being appointed or reappointed, unless the person has already completed such a course. It also provides that the training requirement of a harbor master or deputy harbor master be paid for by the person receiving that training but allows the municipality at its discretion, to reimburse that person for those costs. Public Law 2005, chapter 525 provides that a municipality may require a harbor master or a deputy harbor master obtain training in addition to the basic harbor master training course.

Marine

PUBLIC 533 An Act Relating to Elver Fishing EMERGENCY

LD 2020

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-847
	ONTP MIN	
	OTP-AM MIN	

Public Law 2005, chapter 533 provides that only those who held an elver fishing license in 2006 are eligible to obtain an elver fishing license in subsequent years. It also requires an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Public Law 2005, chapter 533 was enacted as an emergency measure effective April 4, 2006.

PUBLIC 535 An Act To Amend the Laws Regarding Aquaculture Leases EMERGENCY

LD 2049

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-880

Public Law 2005, chapter 535 does the following:

1. It increases the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;
2. It authorizes the Commissioner of Marine Resources to extend the 500-acre limit by rule but limits the total acreage to 1,500 acres per person;
3. It deletes the 12-month minimum fallowing time so that fallows may be of any duration;
4. It gives the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Prior to Public Law 2005, chapter 535, a person could be authorized to have up to 500 acres in aquaculture as long as at least 200 acres were fallowed and that person submitted a fallowing plan to the Commissioner of Marine Resources; and
5. It redefines "fallow" to allow gear at the lease site.

Public Law 2005, chapter 535 was enacted as an emergency measure effective April 4, 2006.

Natural Resources

PUBLIC 491 An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping

LD 1768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	S-462
DUCHESNE	ONTP MIN	

Public Law 2005, chapter 491 provides that aboveground storage tanks that have underground piping that store motor fuel must:

1. By January 1, 2007 register the facility with the commissioner, and be subject to an annual \$35 registration fee.
2. By July 1, 2007 and annually thereafter ensure that the underground piping is inspected by a state certified inspector or installer.
3. Prior to sale or transfer of the facility, the owner must notify the purchaser that there is underground piping and that registration with DEP is required.
4. By January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 must meet the same requirements that apply to piping installed after that date.

Chapter 491 also delays until 2009 the effective date of the law's requirements for tanks and piping at facilities that are used to store diesel fuel. It also gives the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

PUBLIC 509 An Act To Regulate the Use of Batteries Containing Mercury

LD 1058

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-483
TWOMEY		

Public Law 2005, chapter 509 bans the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also directs the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

Natural Resources

**PUBLIC 548 An Act Concerning Certain Provisions Regarding Protection of
EMERGENCY Natural Resources Related to Activities in Coastal Areas**

LD 1860

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-842

Public Law 2005, chapter 548 clarifies certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program.

Public Law 2005, chapter 548 was enacted as an emergency measure effective April 6, 2006.

**PUBLIC 549 An Act To Ensure Adequate Funding for Cleanup of Hazardous
Waste, Biomedical Waste and Waste Oil**

LD 1975

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ OTP-AM MIN	H-843

Public Law 2005, chapter 549 increases revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. It eliminates the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. It authorizes the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. It requires the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

**PUBLIC 558 An Act To Protect Maine Families and the Environment by
Improving the Collection and Recycling of Mercury Thermostats**

LD 1792

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-533

Public Law 2005, chapter 558 requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It requires the Department of Environmental Protection to develop a manufacturer financial incentive plan. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law. It sets goals for the collection and recycling of mercury-added thermostats. It requires the department to annually report to the joint standing

Natural Resources

committee of the Legislature having jurisdiction over natural resources matters and it authorizes that committee to report out legislation in connection with the 2007 report.

**PUBLIC 561 An Act To Amend Certain Laws Administered by the Department
of Environmental Protection**

LD 1888

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	OTP-AM	H-801 H-920 KOFFMAN

Public Law 2005, chapter 561 does the following. It:

1. Amends the section of law dealing with aquatic nuisance species control (Title 38, section 410-N, subsection 1, paragraph B) to remove a rule-making requirement related to identification of invasive aquatic species;
2. Amends the erosion control standard in the quarry and gravel pit laws. It requires all areas that are externally drained, other than working pits, to meet the standards of the erosion and sedimentation control law. It also requires that working pits must be naturally internally drained unless a variance is granted;
3. Adds a definition of "working pit" to the quarry law that is similar to the definition of "working pit" in the gravel pit law;
4. Allows allocated funds in the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to the impact of inland oil spills;
5. Amends the law governing the siting of underground oil storage facilities. Current law prohibits new underground oil storage facilities from being installed within 1000 feet of a public drinking water supply or 300 feet of a private drinking water supply. There are also exemptions to that prohibition. Chapter 561 provides that an existing underground facility would not be able to expand and an existing aboveground facility would not be able to be converted to an underground facility when the facility is within the setback limits if the facility has been out of service for more than 12 consecutive months, unless the commissioner has approved an application that allows the facility to remain temporarily out of service for a longer period;
6. Clarifies that aboveground oil storage facilities are permitted by the Office of the State Fire Marshal;
7. Allows sales figures reported to the Department of Environmental Protection by electronics manufacturers under the Electronic Waste law to be kept confidential;
8. Makes changes to manufacturers' plans and reporting requirements under the Electronic Waste law. It changes the date by which manufacturers must implement the collection plan. It removes certain specified information that under current law must be included in the manufacturer's plan and annual report;
9. Amends an incorrect statutory reference. It amends Public Law 2003, chapter 227, section 9 to change a statutory reference from Title 38, section 470-E to Title 38, section 470-H. Title 38, section 470-E has been repealed. The subject of Title 38, section 470-E, which addresses rulemaking related to water use standards, is now addressed by Title 38, section 470-H;

Natural Resources

10. Corrects the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal; and
11. Requires automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided. It also requires, until 45 days after the effective date of the legislation, manufacturers to pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

PUBLIC 590 An Act To Further Reduce Mercury Use and Emissions

LD 2043

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DUCHESNE	OTP-AM	S-561

Public Law, chapter 590 reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. It also requires that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008. It also provides that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

PUBLIC 592 An Act To Increase Wetland Protection

LD 2071

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-949

Public Law, chapter 592 adds a requirement that projects qualifying for Tier 1 wetlands review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. It changes the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It allows the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located. It requires the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

Natural Resources

PUBLIC 597 An Act Making Improvements to the Laws Regarding Local Land Use Ordinances

LD 1535

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-832
BROMLEY	OTP-AM MIN	
	ONTP MIN	

Public Law 2005, chapter 597 authorizes a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years, sets the number of permits allowed for affordable housing and requires the number of permits allowed to be recalculated every 3 years. It also makes changes in definitions of relevant terms.

Public Law 2005, chapter 597 is effective July 1, 2007.

PUBLIC 602 An Act Regarding Storm Water Program Administration

LD 2035

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-879
		S-594 COWGER

Public Law 2005, chapter 602 establishes an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this legislation. It designates storm water rules as routine technical rules except for rules that are state mandates and it designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program. It also allows the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

PUBLIC 612 An Act To Ensure the Long-term Capacity of Municipal Landfills

LD 1795

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	S-539
KOFFMAN	ONTP MIN	

Public Law 2005, chapter 612 provides that until January 1, 2007 publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if the facility accepts only waste that is generated within the State. It provides that "waste that is generated within the State" includes residue and bypass waste generated within the State. It defines "bypass" waste. It specifies that the department may not

Natural Resources

approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It specifies legislative findings.

PUBLIC 617 **An Act To Ensure Proper Disposal of Debris and Protection of the** **LD 141**
EMERGENCY **Environment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-573
TWOMEY	OTP-AM MIN	

Public Law 2005, chapter 617 limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. It also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. It requires the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris. It requires the department to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. It also requires the department to submit reports and authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

Public Law 2005, chapter 617 was enacted as an emergency measure effective May 2, 2006.

P & S 44 **An Act To Improve the Water Quality and Safety of Phillips Lake** **LD 1774**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ	S-484
HALL	OTP-AM MIN	

Private and Special Law 2005, chapter 44 provides that a water level regime for Phillips Lake in the Town of Dedham can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Private and Special Law 2005, chapter 44 was enacted as an emergency measure effective March 30, 2006.

RESOLVE 140 **Resolve, Regarding Source Water Protection Recommendations** **LD 2037**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 140 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It directs the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process

Natural Resources

to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It also directs the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also provides the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

RESOLVE 143 Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists LD 1338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ	S-477
	OTP-AM MIN	
	ONTP MIN	

Resolve 2005, chapter 143 requires any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection the volume of amalgam supplied. The reports must be submitted annually for 3 years. It also requires the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

RESOLVE 144 Resolve, To Study the Recycling of Cellular Telephones LD 1840

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM	H-800

Resolve 2005, chapter 144 directs the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

RESOLVE 145 Resolve, To Give the Town of Pownal Additional Time To Comply LD 1802
EMERGENCY with the Subdivision Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-470
WEBSTER		S-474 COWGER

Resolve 2005, chapter 145 provides that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of

Natural Resources

Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Resolve 2005, chapter 145 was passed as an emergency measure effective March 28, 2006.

**RESOLVE 174 Resolve, Directing a Review of Cleanup and Minimization
Standards for Mold**

LD 1971

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM MAJ ONTP MIN	H-887

Resolve 2005, chapter 174 directs the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

**RESOLVE 175 Resolve, Regarding Legislative Review of Portions of Chapter 355:
EMERGENCY Coastal Sand Dune Rules, a Major Substantive Rule of the
Department of Environmental Protection, Extending the Deadline
for the Repeal of the Current Coastal Sand Dune Rules and
Convening the Beaches Advisory Group**

LD 1977

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-855

Resolve 2005, chapter 175 authorizes the final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specific changes are made to the rule. It also changes the date that the current coastal sand dune rules are repealed in order to provide the Department of Environmental Protection the necessary time to finally adopt the rules authorized by this resolve. It also directs the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, to convene the Beaches Advisory Group.

Resolve 2005, chapter 175 was passed as an emergency measure effective April 10, 2006.

Natural Resources

RESOLVE 183 **Resolve, Regarding Legislative Review of Portions of Chapter 335:** **LD 1981**
EMERGENCY **Significant Wildlife Habitat, a Major Substantive Rule of the**
 Department of Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-883

Resolve 2005, chapter 183 authorizes final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. It also provides an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also requires the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Resolve 2005, chapter 183 was passed as an emergency measure effective April 12, 2006.

RESOLVE 190 **Resolve, To Ensure the Availability of Public Drinking Water** **LD 2070**
 Supplies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-562
BOWLES		

Resolve 2005, chapter 190 directs the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

RESOLVE 207 **Resolve, To Establish a Blue Ribbon Commission on Solid Waste** **LD 1777**
EMERGENCY **Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-545
KOFFMAN		S-623 GAGNON

Resolve 2005, chapter 207 establishes the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

Resolve 2005, chapter 207 was passed as an emergency measure effective May 4, 2006.

Natural Resources

**RESOLVE 208
EMERGENCY**

**Resolve, Regarding Legislative Review of Portions of Chapter 10:
Significant Wildlife Habitat, a Major Substantive Rule of the
Department of Inland Fisheries and Wildlife**

LD 2090

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-983
	OTP-AM MIN	

Resolve 2005, chapter 208 provides for legislative review of portions of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department of Inland Fisheries and Wildlife. It also directs that the rule be amended to provide that the definition of "shorebird coastal feeding area" includes a zone of 250 feet around the feeding area in order to make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other.

Resolve 2005, chapter 208 was passed as an emergency measure effective May 4, 2006.

State and Local Government

PUBLIC 489 **An Act To Clarify the Time Period in Which Municipalities Must
File Notices of Intent with the State for Purposes of Issuing
Building Permits** **LD 1865**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-767
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Public Law 2005, chapter 489 specifies that the Department of Administrative and Financial Services, Bureau of General Services must notify the municipal manager or, in the absence of a manager, the first selectman, early in the design process of a proposed state construction project or public improvement within that municipality's boundaries. The municipality has 45 days to file notice of intent to review or issue permits for the project.

PUBLIC 490 **An Act To Expand Notification Requirements for Internal Control
Inquiries Made by Nonstate Organizations** **LD 1862**

<u>Sponsor(s)</u> BARSTOW		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-760
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Public Law 2005, chapter 490 requires the State Controller to notify the State Auditor, the Office of Program Evaluation and Government Accountability and other interested parties when a nonstate organization requests access to state agency resources and records related to internal controls.

PUBLIC 552 **An Act To Amend the Definition of "Municipality" as It Relates to** **LD 2072**
EMERGENCY **the Maine Municipal Bond Bank Act**

<u>Sponsor(s)</u> SHERMAN CLUKEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 552 amends the definition of "municipality" in the Maine Municipal Bond Bank Act to include any corporation owned entirely by any city, town, special district, county, plantation or municipal village corporation within the State and providing water, sewer or electric service or performing other essential governmental functions.

Public Law 2005, chapter 552 was enacted as an emergency measure effective April 6, 2006.

State and Local Government

PUBLIC 554 An Act To Strengthen the State Purchasing Code of Conduct Laws

LD 1769

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	ONTP MAJ OTP-AM MIN	S-499

Public Law 2005, chapter 554 makes several changes to the law regarding the state purchasing code of conduct. Specifically, the law:

1. Details the process that bidders must follow in filing an affidavit under the law;
2. Describes when investigations by the State Purchasing Agent will be initiated;
3. Sets out the factors that may be taken into account by the State Purchasing Agent in making a determination of whether the code of conduct has been violated;
4. Permits the State Purchasing Agent to take remedial action, including, but not limited to, terminating contracts against contractors that do not make good faith efforts to comply with the code of conduct; and
5. Establishes a working group whose task is to report on whether the State should form an independent consortium to monitor and investigate complaints of violations of the code of conduct and, if so, the manner in which such a consortium would be created and function. The working group must provide an interim progress report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by September 1, 2006.

PUBLIC 584 An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records

LD 2063

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-538

Public Law 2005, chapter 584 clarifies that the records preservation surcharge may not be used for initial recording of documents. It provides that any county that uses the dedicated surcharge for a purpose other than restoration, re-creation or preservation of deeds in the office of the register of deeds has committed a civil violation that results in a fine of \$100 a day from the date the money was withdrawn to the date it is restored. Fines must be paid out of the county budget and placed in the records preservation charge account.

State and Local Government

PUBLIC 586 **An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules** **LD 2102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 586 changes the date for agency submission of provisionally adopted major substantive rules from 45 days prior to statutory adjournment to the close of business on the 2nd Friday in January of the year in which the rules are to be considered by the Legislature.

PUBLIC 656 **An Act To Promote Youth Involvement in County and Local Government** **LD 1880**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN	OTP-AM	H-768 S-671 ROTUNDO

Public Law 2005, chapter 656 creates the County and Local Government Internship Program, administered by the Margaret Chase Smith Center for Public Policy at the University of Maine, which pairs college-age students with county and local governments. Students must have completed at least 2 years of college or have just graduated from college and must be Maine residents or out-of-state students attending college in the State.

P & S 31 **An Act To Allow the Towns of Mapleton, Castle Hill and** **LD 1694**
EMERGENCY **Chapman To Deposit All Tax Revenues, Grant Revenues and**
 Other Income and Revenues into One Depository Account

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP	S-445 MARTIN

Private and Special Law 2005, chapter 31 authorizes the towns of Mapleton, Castle Hill and Chapman to create and maintain a common ownership depository account in the name of the 3 towns for the deposit of all tax revenues, grant revenues and other income and revenues received by the individual towns.

Private and Special Law 2005, chapter 31 was enacted as an emergency measure effective March 2, 2006.

P & S 35 **An Act To Change the Name of Little Island to Chickering Island** **LD 1942**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP	

Private and Special Law 2005, chapter 35 changes the name of Little Island in Damariscotta Lake to Chickering Island.

State and Local Government

P & S 47 **An Act To Authorize Chebeague Island To Secede from the Town of Cumberland** **LD 1735**

<u>Sponsor(s)</u> MCKENNEY DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-915
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Private and Special Law 2005, chapter 47 authorizes the separation of Chebeague Island and certain surrounding islands from the Town of Cumberland and their incorporation into the Town of Chebeague Island. It details the agreements between the secession territory and the Town of Cumberland and the secession territory and School Administrative District 51.

P & S 60 **An Act Authorizing the Deorganization of Drew Plantation** **LD 1762**

<u>Sponsor(s)</u> RAYE	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-511
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Private and Special Law 2005, chapter 60 provides for the deorganization of Drew Plantation in Penobscot County, subject to approval at local referendum. Deorganization is to be in accordance with the deorganization plan as amended February 1, 2006.

P & S 62 **An Act To Increase Funding for the Intergovernmental Advisory Commission** **LD 1714**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-769
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Private and Special Law 2005, chapter 62 appropriates \$10,000 for the Intergovernmental Advisory Commission to be used for planning and holding a conference.

P & S 68 **An Act To Amend the Boundaries between the City of Saco and** **LD 2115**
EMERGENCY **The Town of Old Orchard Beach**

<u>Sponsor(s)</u> HOBBINS	<u>Committee Report</u>	<u>Amendments Adopted</u> S-703 ROTUNDO
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Private and Special Law 2005, chapter 68 amends the boundaries between the City of Saco and the Town of Old Orchard Beach.

Private and Special Law 2005, chapter 68 was enacted as an emergency measure effective June 1, 2006.

State and Local Government

**RESOLVE 130 Resolve, Directing State Agencies To Assist and Facilitate any
Governmental Units Wishing To Work Cooperatively**

LD 1127

<u>Sponsor(s)</u> ANDREWS BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-434
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Resolve 2005, chapter 130 directs each state agency to establish a process by which municipalities that are involved in the joint provision of services with other units of government may fulfill statutory filing requirements by filing jointly with those units. State agencies must report on the progress and the status of changes to the Executive Department, State Planning Office by November 30, 2006. The State Planning Office shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

**RESOLVE 133 Resolve, Directing the Intergovernmental Advisory Commission
To Establish a Working Group To Develop a County Government
Capital Improvements Revolving Loan Fund**

LD 889

<u>Sponsor(s)</u> WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-449
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Resolve 2005, chapter 133 directs the Intergovernmental Advisory Commission to establish a working group to examine the feasibility of, and develop an appropriate design for, a county government capital improvements revolving loan fund that would make available financial assistance to counties for construction and repair projects. The working group must include representatives from associations of county commissioners, registers of deeds, sheriffs, jail administrators and municipal officers as well as the Maine Governmental Facilities Authority. The working group shall report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

**RESOLVE 136 Resolve, To Direct the Department of Audit To Establish a
Working Group To Develop a Model Chart of Accounts at All
Levels of Government**

LD 1713

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-752
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Resolve 2005, chapter 136 directs the Department of Audit to create a working group to develop a model chart of accounts. The model chart of accounts may be voluntarily adopted by municipalities, counties and the State, as applicable. The standard format is intended to allow towns to enter into cooperative agreements for cost-savings purposes. The Department of Audit shall report its findings to the Intergovernmental Advisory Commission by November 1, 2006.

State and Local Government

RESOLVE 146 **Resolve, Directing the Department of Health and Human Services To Establish a Working Group To Examine Ways for Municipalities To Distribute More Heating Assistance** **LD 1846**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	OTP-AM MAJ	H-790
DAMON	ONTP MIN	

Resolve 2005, Chapter 146 directs the Department of Health and Human Services to establish a working group to examine ways for municipalities to distribute more heating assistance to residents who are eligible for the federal Low Income Home Energy Assistance Program. The department shall submit its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 15, 2006.

RESOLVE 168 **Resolve, Directing the Secretary of State To Establish a Task Force** **LD 2082**
EMERGENCY **To Develop a Plan for the Maine State Cultural Building in**
Augusta

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-886 BARSTOW

Resolve 2005, chapter 168 directs the Secretary of State to establish a task force to look at the long-term needs of the Maine State Cultural Building, including the possibility of constructing a new building. The task force shall consider the issues of space limitations, mechanical problems, energy inefficiencies and physical deterioration. It shall also seek to develop initiatives that use federal financing opportunities and take advantage of cooperation with the University of Maine System. The task force shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters and the Capitol Planning Commission by January 15, 2007.

Resolve 2005, chapter 168 was passed as an emergency measure effective April 6, 2006.

RESOLVE 177 **Resolve, Authorizing the Commissioner of Administrative and** **LD 1864**
Financial Services To Sell or Lease the Interests of the State in
Certain Real Property Located on State Highway 191 in East
Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan;
and Hospital Street in Augusta

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	H-927
SAVAGE		

Resolve 2005, chapter 177 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in properties in East Machias, Thomaston, Skowhegan and Augusta, with the sale proceeds to be deposited into the Department of Administrative and Financial Services, Bureau of General

State and Local Government

Services' capital repair and improvement account for capital improvements and the lease proceeds to be deposited in the General Fund.

RESOLVE 178 **Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services** **LD 1999**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	S-541 SCHNEIDER
	OTP-AM MIN	

Resolve 2005, chapter 178 provides for legislative review of portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a major substantive rule of the Department of Administrative and Financial Services.

RESOLVE 201 **Resolve, Directing the Commissioner of Administrative and Financial Services To Establish a Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute** **LD 1733**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-973

Resolve 2005, chapter 201 directs the Commissioner of Administrative and Financial Services to establish a working group to explore options for the renovation and occupancy of the Stone Buildings, the Administrative Building and the Center Building formerly occupied by the Augusta Mental Health Institute. The working group shall explore the possibilities of using bonds and public-private partnerships for renovation and options for occupancy including a combination of state agencies and private leases. The working group shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2007.

RESOLVE 209 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center** **LD 1984**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J DUNN	OTP-AM	

Resolve 2005, chapter 209 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in Hedin Hall, located on the campus of the Dorothea Dix Psychiatric Center, formerly known as the Bangor Mental Health Institute, for veterans' housing, with the sale proceeds to be deposited into

State and Local Government

the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner and the lease proceeds to be deposited in the General Fund.

RESOLVE 212 Resolve, Establishing an Apportionment Commission To Develop LD 1728
New Cumberland County Commissioner Districts

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-840 H-1107 BARSTOW

Resolve 2005, chapter 212 establishes an apportionment commission under the constitutional procedure for establishing an apportionment commission to apportion the districts of the Legislature. The commission is required to develop 2 plans to increase the number of Cumberland County commissioners from 3 districts to 5 or 7 districts. The Cumberland County commissioners vote to decide which plan may be submitted to the voters in Cumberland County. The commissioners are not required to submit the plan to the voters but may choose to do so at the June 2007 election. The plan must be submitted to the Legislature for enactment. Election of commissioners in the reapportioned districts would take place at the November 2008 election.

RESOLVE 214 Resolve, Authorizing the Commissioner of Administrative and LD 1871
Financial Services To Purchase the Department of Labor Building
at 19 Union Street in Augusta and To Determine the Feasibility of
Acquiring a Parcel of Land for Use as a Parking Lot by the Maine
Criminal Justice Academy

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM MAJ ONTP MIN	S-576 SCHNEIDER S-686 ROTUNDO

Resolve 2005, chapter 214 authorizes the Commissioner of Administrative and Financial Services to negotiate the purchase of the Department of Labor building at 19 Union Street in Augusta, remove hazardous materials and begin the initial renovation design process using no more than \$1,800,000 from the Capital Construction and Improvements Reserve Fund. It also authorizes the Commissioner of Administrative and Financial Services, upon consultation with the Commissioner of Public Safety and the Department of Environmental Protection, to determine the feasibility of acquiring a parcel of land across from the Maine Criminal Justice Academy for use as a parking lot by the academy. The State currently holds a well and water line easement on the parcel that benefits the former Oak Grove School, currently known as the Maine Criminal Justice Academy.

State and Local Government

**POCKET VETO An Act To Amend the Laws Governing the Enactment Procedures
for Ordinances**

LD 1481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-437
KOFFMAN	ONTP MIN	S-554 SCHNEIDER

LD 1481 was enacted by the Legislature but was not signed by the Governor at the time the summary was written. The bill would prohibit a municipality from nullifying or amending a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance more than 75 days after the permit has received its final approval and, if required, a public hearing was held. It would also specify that these requirements do not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

Taxation

PUBLIC 486 **An Act To Conform the Maine Tax Laws for 2005 to the United**
EMERGENCY **States Internal Revenue Code**

LD 1856

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP	

Public Law 2005, chapter 486 updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code as amended through December 31, 2005 for tax years beginning on or after January 1, 2005 and for any prior years as specifically provided by the United States Internal Revenue Code. The bill affects Maine's income tax and estate tax laws.

Public Law 2005, chapter 486 was enacted as an emergency measure effective March 13, 2006.

PUBLIC 515 **An Act To Ensure the Ability of Municipalities To Provide**
EMERGENCY **Assistance to Their Citizens**

LD 1965

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-481

Public Law 2005, chapter 515 provides that municipal spending limitations do not need to be adjusted for changes in state reimbursement for general assistance expenses if those changes are the result of operation of the statutory formula for the general assistance program.

Public Law 2005, chapter 515 was enacted as an emergency measure effective March 28, 2006.

PUBLIC 607 **An Act Relating to the Assessment of Property Taxes on Time-**
 share Property

LD 1857

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-993

Public Law 2005, chapter 607 clarifies that an assessor may consider the value of a time-share estate listed on a declaration of value form under the real estate transfer tax when valuing the property for property tax purposes. It also provides that a managing entity of time-share property that collects money for property taxes must pay outstanding property tax amounts no later than 30 days after the date it has collected those taxes or 10 months after the date of the property tax commitment, whichever is earlier.

Taxation

PUBLIC 608 An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax

LD 1761

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM MAJ ONTP MIN	H-953 WOODBURY S-453

Public Law 2005, chapter 608 provides an alternative method of tax calculation for purposes of the franchise tax for financial institutions beginning with tax years beginning on or after January 1, 2006. A financial institution may elect either the current method of calculation based on Maine net income and Maine assets or the alternative method based on solely Maine assets. The election is irrevocable for the tax year for which it is chosen.

PUBLIC 609 An Act To Preserve Maine's Working Waterfront

LD 1972

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON PERCY	OTP-AM	S-602

Public Law 2005, chapter 609 implements an amendment to the Constitution of Maine adopted by the voters in November 2005 to permit the Legislature to provide for the current use valuation for property tax purposes of waterfront land used for or to support commercial fishing activities.

Chapter 609 provides for current use valuation of working waterfront land according to a process that is similar to the current use valuation of open space land. Working waterfront land is land used at least 50% to provide access to or support the conduct of commercial fishing activities. Current use value is the value of the land if it were required to remain in its current use as working waterfront land. Assessors are directed to determine current use value by eliminating valuation factors unrelated to working waterfront use and by comparison to similar types of uses. If there is insufficient data to support comparative valuation, the assessor may use a formula that reduces the valuation of the working waterfront land based on the percentage of use as working waterfront land and the existence of permanent restrictions on use.

A penalty is established for withdrawal of land from current use valuation as working waterfront land. The penalty is the same as for withdrawal from tree growth current use valuation and is equal to the higher of the difference in taxes that would have been paid over the previous 5 years and a percentage of the difference between the current use value and the just value on the date of withdrawal. The percentage is 30% for land that has been classified for 10 years or less and decreases one percentage point each year until it reaches 20% after the land has been classified for 20 years.

Chapter 609 also requires the State Tax Assessor, in conjunction with interested parties, to analyze and report on sales experience of working waterfront land every 2 years and to make recommendations to improve the effectiveness of working waterfront current use valuation.

Taxation

PUBLIC 618 An Act Concerning Technical Changes to the Tax Laws

LD 1751

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM A	S-571
WOODBURY	OTP-AM B	

Public Law 2005, chapter 618 is the annual bill presented by the Department of Administrative Services, Bureau of Revenue Services to make technical changes to the laws governing taxation. Chapter 618 makes the following changes.

It adds a definition of "manufactured housing" to the sales and use tax law. The definition is the one that has been applied administratively by the Department of Administrative and Financial Services, Bureau of Revenue Services.

It eliminates a sales tax exemption that is not currently being administered because the Office of the Attorney General has advised the Bureau of Revenue Services that it violates the commerce clause of the United States Constitution. The section also clarifies an ambiguous cross-reference.

It replaces the imprecise phrase "mobile and modular homes" with the defined term "manufactured housing."

It enacts various technical changes to clarify a statute enacted in 2005 that altered the Maine income tax calculation for multistate corporations.

It clarifies that the Pine Tree Development Zone tax credit cannot be carried forward indefinitely to offset future income in years beyond the Pine Tree Development Zone time period. This is the interpretation currently being applied administratively by the Bureau of Revenue Services.

It eliminates the solid waste reduction investment tax credit, which is no longer available.

It corrects the name of the state agency that certifies investments for the quality child care investment credit.

It clarifies that estates and trusts must file a Maine income tax return if they owe Maine income tax, even if their Maine taxable income is zero or less. This is the interpretation currently being applied administratively by the Bureau of Revenue Services.

It clarifies the definition of "income" for purposes of the Maine Residents Property Tax Program.

It clarifies the procedure for payment of claims under the Business Equipment Tax Reimbursement program.

It clarifies that Maine elective property owned by an estate of a nonresident is subject to Maine estate tax.

It authorizes the Maine Residents Property Tax Program to be referred to as "the Circuitbreaker Program."

It corrects punctuation errors, standardizes archaic language and corrects cross-references.

Taxation

PUBLIC 622 An Act To Make Minor Substantive Changes to the Tax Laws

LD 1711

Sponsor(s)
WOODBURY
PERRY J

Committee Report
OTP-AM

Amendments Adopted
H-974

Public Law 2005, chapter 622 is the annual bill submitted by the Department of Administrative and Financial Services to make minor substantive and technical changes to the laws governing taxation. Chapter 622 makes the following changes.

It allows a fuel tax registration violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It authorizes the payment of fees imposed for recording a lien or lien discharge directly from the General Fund.

It authorizes the State Tax Assessor to establish procedures for payment of taxes by credit card and to contract with one or more entities for the purpose of accepting and processing credit card transactions.

It updates the property tax exemption for paraplegic veterans.

It reorganizes parallel exemption provisions in the sales and use tax and the service provider tax for greater clarity.

It clarifies that a sales and use tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the property or service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It clarifies that a service provider tax exemption provided to a person based upon its charitable, nonprofit or other public purposes applies only if the service purchased is intended to be used by the person primarily in the activity identified by the particular exemption.

It allows a dyed fuel violation to be prosecuted in Kennebec County or in the county where the violation occurred.

It enacts a definition of "value" in Maine estate tax law and repeals language elsewhere in the law that effectively defines "value."

It permits the State Tax Assessor to allow a licensed cigarette distributor up to 30 days to pay for cigarette tax stamps if the distributor has posted a bond of 50% of the amount of the cigarette stamp purchases.

It allows bonus depreciation, Section 179 expense and net operating loss addition modifications claimed by a C corporation to be recaptured by individual shareholders of the corporation if it elects to be treated as an S corporation in a subsequent year.

It excludes from the Maine estate tax real and tangible personal property owned by a resident of the State that is not located in the State.

It allows a taxpayer to qualify for the 80% employment tax increment financing benefit for employment inside a Pine Tree Development Zone even if it also claims a jobs and investment tax credit for qualified investment outside a Pine Tree Development Zone.

Taxation

PUBLIC 623 An Act To Replace Municipal Revenues Subject to Business Equipment Property Tax Exemption

LD 2056

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM MAJ	H-1078
MARTIN	ONTP MIN	

Public Law 2005, chapter 623 establishes a property tax exemption for eligible business equipment that is first subject to property tax assessment on or after April 1, 2008 in the absence of the exemption. Certain property located at a retail sales facility and used for a retail sales activity remains taxable but eligible for reimbursement under the business equipment tax reimbursement (BETR) program. Property currently in the BETR program will remain eligible after 12 years; however, reimbursement for property taxes paid will decline gradually to 50%. Property that was placed in service on or before April 1, 1995 remains fully taxable.

Public Law 2005, chapter 623 requires the State to reimburse municipalities for the lost property tax revenue associated with the exemption, as required by the Constitution of Maine. Reimbursement is for 100% of lost revenue in the first year the exemption is in effect and declines 10% per year until it reaches the constitutional minimum of 50% for the 2013 tax year. Municipalities with more than 5% of their valuation in exempt property may choose alternative reimbursement. Alternative reimbursement is 50% plus 1/2 of the percentage that business personal property represents of the total taxable value plus exempt business personal property value in the municipality.

Additional funds are provided for the Disproportionate Tax Burden Fund beginning at \$2,000,000 in fiscal year 2009-10 and increasing \$500,000 each year until funding reaches \$4,000,000.

Reimbursements received by taxpayers under the BETR program for property first subject to assessment on or after April 1, 2008 and for property still qualifying for BETR after the first 12 years of reimbursement are reduced by the amount of taxes reimbursed under a tax increment financing district to avoid a taxpayer's receiving reimbursement for more than 100% of property taxes paid.

PUBLIC 624 An Act To Establish Municipal Cost Components for Unorganized EMERGENCY Territory Services To Be Rendered in Fiscal Year 2006-07

LD 2039

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-952
		S-630 MARTIN

Public Law 2005, chapter 624 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Chapter 624 also includes statutory changes to apply growth limitations to spending and taxes under the municipal cost component that parallel state and local limitations and directs the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories to review the new growth limitations and make recommendations for retaining, amending or repealing those limitations to the joint standing committee of the Legislature having jurisdiction over taxation matters as part of its reporting responsibilities under Resolve 2005, chapter 125. The commission is also directed to develop a new budget funding mechanism for the office of the

Taxation

fiscal administrator of the unorganized territory that promotes budget transparency and provides better fiscal accountability.

Public Law 2005, chapter 624 was enacted as an emergency measure effective May 4, 2006.

PUBLIC 627	An Act To Strengthen the Collection of the Tax on Tobacco Products	LD 2093
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ ONTP MIN	H-1009 H-1022 BIERMAN H-1042 WOODBURY

Public Law 2005, chapter 627 strengthens the ability of the State to enforce the collection of the tax on tobacco products. The bill also permits the seizure and forfeiture of contraband tobacco products within the State. The bill also strengthens and clarifies the penalties for distributing or selling tobacco products in contravention of the law.

PUBLIC 644	An Act To Encourage the Preservation of Affordable Housing	LD 1165
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ ONTP MIN	H-634 S-664 ROTUNDO

Public Law 2005, chapter 644 provides an income tax deduction for capital gains or depreciation recapture associated with the sale of a multifamily affordable housing property. This chapter also decreases the Maine State Housing Authority's share of real estate transfer tax revenue by \$187,067 in fiscal year 2006-07 to cover the revenue loss associated with the new deduction.

PUBLIC 645	An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations	LD 791
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PINEAU	OTP-AM	S-299 S-663 ROTUNDO

Public Law 2005, chapter 645 expands the property tax exemption for veterans' organizations to include property owned, occupied and used by those organizations to further charitable purposes. If a portion of the property is used solely for purposes not related to the veterans' organization, that portion is subject to property tax.

Taxation

PUBLIC 647 An Act To Make Owners of Cooperative Housing Eligible for the LD 1552
Homestead Exemption

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSBY	OTP-AM	H-584
MAYO		S-668 ROTUNDO

Public Law 2005, chapter 647 allows residents of a residential cooperative who are shareholders in that cooperative to benefit from the Maine resident homestead property tax exemption by providing a property tax exemption to the owner of the cooperative property equal to the amount of the standard homestead exemption multiplied by the number of units in the cooperative occupied by persons who would otherwise qualify for the homestead property tax exemption if they owned property currently qualifying as a homestead. The benefit must be passed on to the owners of the cooperative share.

PUBLIC 652 An Act To Exempt Trail-grooming Equipment from the Personal LD 1799
Property Tax

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM MAJ	S-452
	ONTP MIN	S-685 ROTUNDO

Public Law 2005, chapter 652 provides a property tax exemption beginning April 1, 2006 for snowmobile trail-grooming equipment registered with the Department of Conservation.

Public Law 2005, chapter 652 was enacted as an emergency measure effective May 30, 2006.

PUBLIC 675 An Act To Clarify the Taxable Status of Processing Fees Charged LD 1749
in Connection with Cancelled Lodging Reservations

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-530
KOFFMAN		

Public Law 2005, chapter 675 clarifies the taxable status under the sales tax laws of forfeited deposits and cancellation fees for rental of living quarters by providing that those deposits or fees are not subject to sales tax if the rental is cancelled on or before the scheduled date of arrival. The clarification is retroactive to January 1, 2001 and provides that a person who has paid or collected sales tax on forfeited deposits or cancellation fees is not entitled to a refund.

Taxation

RESOLVE 134 **Resolve, Directing the State Board of Property Tax Review To** **LD 1989**
EMERGENCY **Accept and Review the Appeal Filed by the Town of Palermo**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON PIOTTI	OTP-AM	S-464

Resolve 2005, chapter 134 requires the State Board of Property Tax Review to consider the appeal filed by the Town of Palermo on December 8, 2005 regarding the 2006 valuation of the town as determined by Maine Revenue Services and requires a decision to be rendered no later than 30 days after the effective date of the Resolve.

Resolve 2005, chapter 134 was finally passed as an emergency measure effective March 13, 2006.

RESOLVE 135 **Resolve, Authorizing the State Tax Assessor To Convey the** **LD 1710**
Interest of the State in Certain Real Estate in the Unorganized
Territory

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY PERRY J	OTP-AM	H-756

Resolve 2005, chapter 135 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State for nonpayment of property taxes.

RESOLVE 170 **Resolve, Concerning the Assessment of Property Subject to** **LD 1796**
Affordable Housing Limitations and Benefits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J CLOUGH	OTP-AM	S-531

Resolve 2005, chapter 170 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to review factors affecting the assessment of affordable housing property for property tax purposes. The resolve also directs the bureau to provide an informational program and materials for municipal assessors and requires a report to the joint standing committee of the Legislature having jurisdiction over taxation matters.

Taxation

**RESOLVE 202
EMERGENCY**

**Resolve, To Reduce State Valuation as a Result of the Closure of
Georgia-Pacific Facilities**

LD 2096

Sponsor(s)
SCHNEIDER
BLANCHARD

Committee Report
OTP-AM

Amendments Adopted
S-590

Resolve 2005, chapter 202 authorizes the City of Old Town to request a reduction in its state valuation as a result of a reduction in value of the Georgia-Pacific Corporation facility notwithstanding statutory filing deadlines, and provides that the payments for general purpose aid for local schools to the city be adjusted to reflect such an adjustment in state valuation.

Resolve 2005, chapter 202 was passed as an emergency measure effective April 28, 2006.

Transportation

**PUBLIC 469 An Act To Amend the Operator's License and Nondriver
Identification Card Requirements**

LD 501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM MAJ	H-736
DAMON	OTP-AM MIN	

Public Law 2005, chapter 469 prohibits the acceptance of expired visas granted by the United States, expired documents issued by foreign countries, and foreign passports showing an elapsed departure date as identification for the purpose of issuing state nondriver identification cards and driver's licenses.

**PUBLIC 472 An Act To Amend the Laws Governing Ferry Service Travel for
EMERGENCY Individuals with Catastrophic Illness**

LD 1738

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	
MAZUREK		

Public Law 2005, chapter 472 allows residents of the island communities served by the Maine State Ferry Service free transportation services when traveling to and from regularly scheduled, medically necessary appointments with medical care providers on the mainland if these appointments pertain to a catastrophic illness.

Public Law 2005, chapter 472 was enacted as an emergency measure effective February 21, 2006.

**PUBLIC 478 An Act To Increase Efficiency in Truck Hauling
EMERGENCY**

LD 1702

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	OTP-AM	H-749
RAYE		

Public Law 2005, chapter 478 eliminates the 53-foot access system designated by the Commissioner of Transportation, allowing a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on the highway network if safety standards and conditions are met. It also clarifies the Department of Transportation's rule-making authority to limit or prohibit access by semitrailers to certain highways to ensure safety.

Public Law 2005, chapter 478 was enacted as an emergency measure effective March 8, 2006.

Transportation

PUBLIC 479 An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge

LD 1696

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND BRYANT M	OTP-AM	S-450

Public Law 2005, chapter 479 clarifies that the assessed valuation for property tax is on each owner's parcel that is benefited by the private way or bridge. It also provides that the assessment for repair or maintenance of a private way or bridge is applied proportionally on the owners according to their assessed valuation for property tax.

PUBLIC 482 An Act To Amend Certain Transportation Laws

LD 1750

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON MARLEY	OTP-AM	S-458

Public Law 2005, chapter 482 makes the following changes to the law governing transportation.

1. It allows for an exception to outdoor luminaire requirements if the Commissioner of Transportation determines that the lighting is related to a Department of Transportation bridge project of state and regional significance and is supported by municipalities directly affected by the installation.
2. It allows for attractions to be included on logo signs on the interstate highway system and allows for logo signs on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike.
3. It requires local administration of municipal ordinances adopted regarding changeable signs.
4. It adds language to and removes requirements from the provisions of the auxiliary light statute to reflect current technology.
5. It allows appurtenances to motor homes, truck campers and camp trailers extending up to 6 inches from either side of the body of the unit.

PUBLIC 501 An Act To Ensure Business Equity in Commercial Vehicle Registration

LD 1730

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD PERRY J	OTP-AM MAJ OTP-AM MIN	H-782

Public Law 2005, chapter 501 clarifies that special mobile equipment that is rented from a location in Maine or outside Maine must be registered in Maine, regardless of the location of the main office or headquarters of the

Transportation

owner of the equipment. The amendment also makes a technical correction to the section on special mobile equipment.

PUBLIC 528 An Act To Prohibit Parking in Access Aisles EMERGENCY

LD 1706

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ OTP-AM MIN	H-765

Public Law 2005, chapter 528 prohibits anyone, including persons who have been issued a disability registration plate or removable placard, from parking in an access aisle, which is defined as a space that is clearly marked and immediately adjacent to a parking space designated and clearly marked for persons with physical disabilities. The law also increases the fine for persons who illegally park in a disability parking space or access aisle to not less than \$200 and not more than \$500.

Anyone who observes a vehicle illegally parked in a disability parking space or an access aisle may report the violation to a law enforcement officer. The officer shall initiate an investigation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. The law provides that the registered owner of a vehicle illegally parked in an access aisle commits a traffic infraction and is subject to a fine. However, the law does provide for defenses for the registered owner of the vehicle found to be illegally parked in an access aisle.

Public Law 2005, chapter 528 was enacted as an emergency measure effective April 4, 2006.

PUBLIC 573 An Act To Amend the Motor Vehicle Laws

LD 1866

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER DIAMOND	OTP-AM	H-849

Public Law 2005, chapter 573 does the following:

1. It allows the display of a disabled veteran registration plate on a vehicle registered for up to 9,000 pounds;
2. It eliminates the Secretary of State's discretion to accept a deposit of cash when a bond is filed;
3. It makes the for-hire insurance requirements consistent with the provisions of Public Law 2005, chapter 399, which limited transit districts' tort liability to \$400,000;
4. It allows the Secretary of State to operate customer service locations within approved budgetary limits, rather than limiting the branches that can exist to a specific number. The law enables the Secretary of State to authorize municipal agents to conduct transactions and charge fees on an ongoing basis when that transaction and the associated fee are not already provided in existing law;
5. It directs the Secretary of State to review the existing statutory vision screening requirements to identify potential changes in law or other opportunities under existing law to increase the number of motorists

Transportation

eligible for online renewal services and to report with recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than December 31, 2006; and

6. It directs the Secretary of State to develop a plan for leveling out the currently uneven 6-year driver's license cycle to eliminate the variations in business activity and corresponding Highway Fund revenue.

PUBLIC 577 **An Act To Amend the Laws Relating to Motorized Scooters,**
EMERGENCY **Motor-driven Cycles and Mopeds**

LD 1464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON	OTP-AM	H-730
SAVAGE		H-747 MCKENNEY

Public Law, chapter 577 amends current law regarding 2-wheeled and 3-wheeled vehicles and off-road vehicles. The bill:

1. Amends the definition of "moped" and "motorized scooter" by including criteria for wheel size and electric-powered motors;
2. Repeals the definition of "motorcycle" and replaces it with a definition that includes criteria for wheels and electric-powered motors;
3. Repeals the definition of "motor-driven cycles";
4. Establishes a definition of "off-road vehicle." Off-road vehicles, because of their size, shape, design and configuration, may not be operated on a public way unless operation is authorized by statute;
5. Amends the definition of "scooter" by excluding scooters that are powered by motors;
6. Enacts a provision that off-road vehicles may not be registered under the Maine Revised Statutes, Title 29-A;
7. Removes references in Title 29-A to motor-driven cycles;
8. Eliminates the requirement that businesses that sell motor-driven cycles be licensed as motor vehicle dealers;
9. Removes a reference to motorized scooter under vehicles that are regulated as bicycles or toy vehicles;
10. Establishes a provision to treat off-road vehicles operated on ways the same as all-terrain vehicles operated on ways;
11. Establishes a provision to make it a traffic infraction to operate an off-road vehicle on a public way or parking area;
12. Clarifies that the definition of a motor vehicle does not include an all-terrain vehicle unless the all-terrain vehicle is issued a special registration permit in accordance with the Maine Revised Statutes, Title 29-A, section 501;

Transportation

13. Clarifies that an all-terrain vehicle is not subject to licensing provisions under Title 29-A, chapter 11 unless the all-terrain vehicle is issued a special registration permit in accordance with Title 29-A, section 501;
14. Requires the operator of a motorized scooter to have a valid license of any class;
15. Allows municipalities to prohibit the use of motorized scooters on public ways; and
16. Requires motorized scooters to follow the same rules of the road as bicycles.

Public Law, chapter 577 was enacted as an emergency measure effective April 13, 2006.

PUBLIC 643 An Act To Promote Municipal-State Transportation Investment Partnerships

LD 1159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER DAMON	OTP-AM	H-873

Public Law 2005, chapter 643 allows municipalities to petition the Department of Transportation to finance proposed arterial and major collector road construction projects. The department would finance up to 50% of the cost of the proposed road construction from the Highway Fund. The road must meet state design standards and function as a major collector or arterial highway as defined in Department of Transportation rules. Participating municipalities shall have a department-approved transportation plan for state and state aid highways and comply with policies and procedures adopted by the department. The municipality may finance improvement projects with contributions of local funds. The new law offers alternative financing mechanisms to the Department of Transportation subject to a municipality's voluntary decision to participate.

PUBLIC 649 An Act To Authorize State Participation in the Unified Carrier Registration System

LD 1950

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH	OTP-AM MAJ ONTP MIN	H-770

Public Law 2005, chapter 649 authorizes the State's participation in the Unified Carrier Registration System, which is a federal program to consolidate motor carrier information systems.

Transportation

**PUBLIC 664
EMERGENCY**

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

LD 1974

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ	H-1037
	OTP-AM MIN	H-1053 DUPREY
		H-1054 MILLETT

Public Law 2005, chapter 664 does the following:

Part A makes supplemental allocations for fiscal years 2005-06 and 2006-07.

Part B makes allocations for approved reclassifications and range changes.

Part C limits the state support to the Marine Highway account to 50% of the budgeted revenues that support the operating cost of the Maine State Ferry Service.

Part D transfers amounts exceeding \$1,000,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs.

Part E transfers identified Highway Fund Personal Services savings to any other program or line category within the Highway Fund to fund capital program needs.

Part F authorizes available Personal Services balances in the Highway Fund accounts to be transferred between programs and departments within the fund by financial order to be used for collective bargaining agreement costs.

Part G lapses \$2,222 of the unencumbered balance in fiscal year 2004-05 in the Bond Retirement - Highway Fund account in the Department of Transportation to the unallocated surplus in the Highway Fund in fiscal year 2005-06.

Part H authorizes the State Budget Officer to calculate the amount of savings from a statewide deallocation that applies against each Highway Fund account for all departments and agencies from additional savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2006-07.

Part I lapses \$10,944,305 of unencumbered balance in the Personal Services line category from fiscal year 2004-05 in the Maintenance and Operations account in the Department of Transportation to the unallocated surplus of the Highway Fund in fiscal year 2005-06.

Part J amends Public Law 2005, chapter 405, Part I, section 1 by authorizing the Administration - Motor Vehicle Program, Bureau of Motor Vehicles within the Department of the Secretary of State to carry forward any unexpended balance that is less than \$1,100,000 from fiscal year 2005-06 to fiscal year 2006-07 for the continued development of the bureau's computer system and to improve the efficiency and effectiveness of the bureau's processes and programs.

Transportation

Part K adds the Maine State Law Enforcement Association to the bargaining units authorized to access funding in the Highway Fund Salary Plan account to implement economic terms of collective bargaining agreements for fiscal years ending June 30, 2006 and June 30, 2007.

Part L expands to a new location in Van Buren the existing pilot project allowing commercial vehicles at Canadian weight limits to travel to specified locations in the State.

Part M allows the State or its political subdivisions to assign to another person the right to receive refunds for special fuel taxes.

Part N provides the joint standing committee of the Legislature having jurisdiction over transportation matters information to support the Department of Transportation Service Center request in the department's All Other line in the biennial Highway Fund Current Services Budget and to also provide an annual accounting of the actual charges made.

Part O authorizes a 6-month grace period for newly employed ambulance operators to obtain required training for certification purposes.

Part P eliminates one Department of Transportation Crew FTE position and realigns 14 other electrical, carpenter and driver trainer Department of Transportation Crew FTE positions between Fleet Services, an Internal Service fund and Maintenance and Operations, a Highway Fund program, in order to allow proper implementation of a new Fleet Management computer system scheduled for July 1, 2006. Given the maintenance and operational nature of the work of these employees, their cost is more properly associated with Maintenance and Operations. The current budget location of these positions distorted the financial management and reporting of Fleet Services.

The bill also authorizes the Secretary of State, within existing budgeted resources, to issue specially designed motorcycle plates for members of the Legislature.

The bill also enacts into the Maine Revised Statutes a provision that requires that 60% of state funding for the Department of Public Safety, Bureau of State Police originate from the Highway Fund and 40% originate from the General Fund beginning in fiscal year 2007-08.

Public Law 2005, chapter 664 was enacted as an emergency measure effective May 30, 2006.

PUBLIC 679 An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986

LD 2119

Sponsor(s)
SAVAGE
MCKENNEY

Committee Report

Amendments Adopted

Public Law 2005, chapter 679 makes changes to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 to preserve receipt of federal highway funds. Specifically, the bill makes state law consistent with applicable federal regulations granting waivers from the commercial driver licensing requirements for persons operating fire apparatus, military vehicles and farm trucks. The bill further authorizes the Department of Public Safety, Bureau of State Police to adopt by reference the federal regulations establishing minimum fines for out-of-service violations.

Transportation

P & S 30 An Act To Update the Charter of the Lewiston and Auburn Railroad Company LD 1849

<u>Sponsor(s)</u> SAMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Private and Special Law 2005, chapter 30 updates the articles of incorporation of the Lewiston and Auburn Railroad Company.

P & S 37 An Act To Make Allocations from the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007 LD 1966

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Private and Special Law 2005, chapter 37 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2007 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

RESOLVE 151 Resolve, To Name the New Bridge over the Penobscot River LD 1986

<u>Sponsor(s)</u> ROSEN R LINDELL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-503
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Resolve 2005, chapter 151 names the new bridge that crosses the Penobscot River between the towns of Prospect and Verona Island and the westerly tower at the entrance to the bridge in Prospect the "Penobscot Narrows Bridge and Observatory Tower" and directs the Department of Transportation to erect signs that indicate this name.

RESOLVE 163 Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing" LD 2051

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Resolve 2005, chapter 163 names the new bridge in Augusta that connects Interstate 95 to Route 3 and crosses the Kennebec River north of the Father Curran Bridge "Cushnoc Crossing" and directs the Department of Transportation to erect signs that indicate the name of the new bridge.

Transportation

RESOLVE 189 Resolve, Authorizing a Pilot Project To Allow Timber Harvesting Equipment To Be Moved During Nighttime

LD 2058

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN	OTP-AM	H-942

Resolve 2005, chapter 189 directs the Secretary of State, in consultation with the Commissioner of Transportation and the Chief of the State Police, to conduct a pilot project that allows permits for the transport of timber harvesting equipment by another vehicle between midnight and sunrise during the months of March and April over a way or bridge maintained by the Department of Transportation if certain conditions are met. The resolve also requires the Secretary of State to submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than the first business day in February 2009. The resolve gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to report out legislation during the First Regular Session of the 124th Legislature. It repeals the pilot project 90 days after the adjournment of the First Regular Session of the 124th Legislature.

RESOLVE 216 Resolve, Directing the Department of Transportation To Review Its Highway Traffic Noise Policy

LD 2040

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN BROMLEY	OTP-AM	H-857

Resolve 2005, chapter 216 directs the Department of Transportation to undertake a comprehensive review of the department's current highway traffic noise policy. Under the existing statewide highway traffic noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program.

The law also provides that, if the department adopts a revised highway traffic noise policy, the scheduled improvement of Interstate 295 in South Portland and Portland is subject to the revised policy.

Utilities and Energy

PUBLIC 534 An Act Regarding Energy Efficiency Standards for Residential Rental Properties

LD 2074

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2005, chapter 534 does the following:

1. It requires landlords of residential property that will be used by tenants as a primary residence to provide to the tenants an energy efficiency disclosure statement for the property and directs the Public Utilities Commission and the Maine State Housing Authority to prepare and distribute an energy efficiency disclosure statement form for landlords to use;
2. It directs the Public Utilities Commission and the Maine State Housing Authority to develop suggested energy efficiency standards for residential property used by tenants as their primary residence; and
3. It requires the Public Utilities Commission to submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 the commission's assessment of the effectiveness of the energy disclosure statement in meeting the purposes of the law.

PUBLIC 556 An Act Relating to Community Sanitary Districts

LD 635

<u>Sponsor(s)</u> KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-908
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Public Law 2005, chapter 556 amends the Maine Sanitary District Enabling Act to authorize the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.

Public Law 2005, chapter 556 provides that if a municipality has constructed a sewer system composed of one or more subsurface wastewater collection, treatment and disposal systems, it must, after the establishment of a district to serve the area where that sewer system is located, sell to the district all assets identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding liabilities identified by the municipality as related to that sewer system. The municipality and the district are authorized to arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter. A municipality may construct such a system in anticipation of the creation of a district, to which the municipality will then transfer the system; this allows a system to be established prior to any occupancy of a cluster or other compact development and then, when a suitable number of residences have become occupied, allows a district to be established to run the system.

Utilities and Energy

PUBLIC 569 An Act To Encourage Energy Independence for Maine

LD 1931

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-523

Public Law 2005, chapter 569 does the following:

1. It requires the Public Utilities Commission to encourage school facility managers to receive energy efficiency training under the commission's so-called "Efficiency Maine" program. It authorizes the commission to establish incentive mechanisms in order to encourage participation in this program. It requires the commission to report annually on its progress in meeting these goals and, to the extent possible, on energy savings achieved as a result of such training;
2. It amends the Efficiency Maine program to require the commission to consider conservation programs that reduce peak demand. It also directs the commission to develop a plan for using revenues from any increase in the Efficiency Maine assessment on transmission and distribution utilities. It directs the commission to consider using funds resulting from any increased assessment to increase the per-business incentive cap imposed on large businesses. The commission is required to submit its plan, together with any recommendations for increases in the assessment consistent with that plan and any suggested legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature; and
4. It requires the Governor's Office of Energy Independence and Security in the Executive Department to compile a report on home heating issues.

Public Law 2005, chapter 569 was enacted as an emergency measure effective April 12, 2006.

PUBLIC 582 An Act To Protect the Privacy of Cellular Telephone Customers EMERGENCY

LD 2038

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM BARTLETT	OTP-AM	H-892 H-956 BLISS

Public Law 2005, chapter 582 prohibits a person without permission or lawful authorization from selling or disclosing customer proprietary network information relating to the wireless telephone service account of any wireless telephone customer or user in this State. It also prohibits a person without permission or lawful authorization from selling or disclosing any information loaded, installed or otherwise placed on a wireless telephone or transmitted from a wireless telephone by a wireless telephone customer. A person who violates any of these provisions is subject to civil penalties; a person who knowingly violates these provisions, commits a Class D crime.

Public Law 2005, chapter 582 was enacted as an emergency measure effective April 13, 2006.

Utilities and Energy

PUBLIC 646 An Act To Amend the Maine Wind Energy Act

LD 1379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	H-1108 BLISS
FLETCHER	OTP-AM MIN	S-365 BARTLETT

Public Law 2005, chapter 646 does the following:

1. Exempts from the provisions of Title 30-A, section 5223(3) (relating to municipal establishment of development districts) tax increment financing districts consisting solely of community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007);
2. Directs the Public Utilities Commission to allow the use of renewable energy credits (RECs) to satisfy the resource portfolio requirements if the commission determines a reliable system of RECs exists;
3. Establishes legislative findings that it is in the public interest to encourage the construction of community wind power generators. It also establishes a finding that it is in the public interest to encourage wind energy research and the development of wind generation equipment manufacturing facilities in the state;
4. Establishes as the policy of the State that its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited wind-energy-related development consistent with state and federal environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities;
5. Creates a sales and use tax exemption for sales of equipment for use in the generation of electricity by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007). The tax exemption is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;
6. Provides sales and use tax reimbursement for equipment incorporated into property owned by a community wind power generator certified by the Public Utilities Commission under Title 36, section 5211-AA (a provision repealed on December 31, 2007) if the equipment is used by the generator more than 50% of the time during the first 2 years the property is owned by the generator. The reimbursement is available for up to five years from the date of certification by the Public Utilities Commission or until December 31, 2011, whichever comes first;
7. Provides an income tax credit to community wind power generators certified by the Public Utilities Commission under Title 36, section 5211-AA in the amount of 100% of the income tax that would otherwise be due. This provision provides that the credit is available for 10 years following commencement of operation of the generator, however the entire provision is repealed December 31, 2007; and
8. Directs the Public Utilities Commission to certify community wind power generators for purposes of the above-mentioned tax benefits. The commission is directed to certify generators only if construction of the facility would not likely occur absent the tax benefits. The provision does not permit the Public Utilities Commission to certify any community wind power generator if the site permit application process for the project had commenced prior to the effective date of the Act. This provision (Title 36, section 5211-AA) is repealed December 31, 2007.

Utilities and Energy

PUBLIC 665 An Act To Accelerate Private Investment in Maine's Wireless and Broadband Infrastructure

LD 2080

<u>Sponsor(s)</u> PINGREE BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1018
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Public Law 2005, chapter 665 does the following.

1. It establishes the ConnectME Authority to stimulate investment in advanced communications technology infrastructure in unserved and underserved areas of the State.
2. It directs the authority to monitor wireless coverage, expand the availability of broadband in unserved and underserved areas, collect data on and assess the availability of advanced telecommunications services in unserved and underserved areas, and identify and secure federal and other funding sources for broadband and wireless deployment or education. The definition of "unserved and underserved areas" is to be established by major substantive rule of the authority.
3. It grants the authority broad powers to acquire property, enter contracts, operate facilities, charge fees, lease property, etc. It also authorizes the authority to gather information from communications service providers. It authorizes the authority to designate information as confidential but requires the authority to adopt major substantive rules regarding standards for making such a designation.
4. It limits the ability of the authority to undertake projects. These limits are designed to ensure that the projects are only undertaken in an unserved or underserved area and that advanced communications technology infrastructure would not otherwise be provided in the area without the assistance of the authority. The authority is also prohibited from providing communications services or wireless services at retail or wholesale.
5. It authorizes the authority to use the services of up to 3 full-time employees from agencies such as the Public Utilities Commission with expertise in matters relating to the purposes of the authority.
6. It establishes an assessment on communications service providers to fund the authority. Facilities-based wireless providers may choose to be assessed and thereby become eligible to partner with the authority in its projects. This assessment is delayed, however, until the authority receives authorization to finally adopt its governing rules, which are major substantive rules.
7. It authorizes a temporary transfer to the authority of previously collected but unallocated funds in the Maine universal service fund. The transfer is not authorized until the authority receives authorization to finally adopt its governing rules, which are major substantive rules. The authority is required to reimburse the fund once it has collected sufficient funds through its assessment; the commission is directed to return the funds to ratepayers.
8. It requires the authority to report annually to the Joint Standing Committee on Utilities and Energy on its activities and authorizes the committee, after receiving the report, to report out legislation relating to the authority.
9. It establishes an advisory council to advise the authority on technical, policy, financial and economic issues and to undertake limited functions assigned to it by the authority.

Utilities and Energy

10. It provides for repeal of all provisions relating to the authority and advisory council on January 31, 2009 and directs the authority to submit a year prior to that date a plan with implementing legislation for winding up its affairs. The Joint Standing Committee on Utilities and Energy may report out legislation to the 2nd Regular Session of the 123rd Legislature legislation providing for the winding up of the affairs of the authority or the repeal of the sunset.
11. It allows a reimbursement for taxes paid on the purchase of machinery and equipment to develop an advanced communications technology infrastructure in a qualifying zones designated by the authority. The total amount reimbursed in any fiscal year may not exceed \$500,000. This tax reimbursement provision is repealed January 31, 2009.

PUBLIC 677 An Act To Enhance Maine's Energy Independence and Security

LD 2041

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER BARTLETT	OTP-AM	H-1024 S-628 GAGNON

Public Law 2005, chapter 677 does the following.

1. It provides for a one-year reduction in the sales and use tax on biofuels. It directs the State Controller to transfer \$20,000 from the General Fund unappropriated surplus to the Highway Fund unappropriated surplus no later than June 30, 2007 (to reimburse the Highway Fund for lost fuel tax revenue). It also directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a study group to consider the revenue impacts of a differential tax on biodiesel, the impacts on tax administration and compliance and alternatives to a differential tax including a refund process. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the First Regular Session of the 123rd Legislature.
2. It makes various changes to the Public Utilities Commission's authority to manage standard-offer service. It allows the commission to incorporate cost-effective demand-side measures into the supply of standard-offer service. It authorizes the commission to enter into various standard-offer service contract lengths and terms for residential and small commercial customers and directs the commission to report on its use of this authority by January 15, 2008. The joint standing committee of the Legislature having jurisdiction over utilities matters is authorized to report out legislation on this matter to the Second Regular Session of the 123rd Legislature. The amendment also directs the commission to consider developing one or more demand response programs for medium nonresidential customers.
3. It establishes state policies to increase new renewable capacity resources, reduce electric prices and volatility and mitigate the effects of regional or federal capacity resource mandates. It authorizes the Public Utilities Commission to direct large transmission and distribution utilities to enter into long-term contracts for capacity resources and, under certain circumstances, for related energy. The commission is authorized to enter into long-term contracts for interruptible, demand response or energy efficiency capacity resources. Only those capacity resources that are competitive and lowest priced, considering both the cost of the capacity and related energy when compared to other available offers, may be contracted under this provision. It directs the commission by major substantive rule to adopt a long-term electric resource adequacy plan to ensure grid reliability and the availability of electricity to consumers at the lowest price. The rules are required to be submitted for legislative review by March 1, 2008. It also adds to the Governor's powers when the Governor declares a state of emergency relating to an energy shortage by authorizing the Governor to take appropriate action to secure capacity resources.

Utilities and Energy

4. It establishes a study group called the Maine Energy Council to undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State. The Council is also authorized to monitor and evaluate matters affecting electricity supply and costs to consumers in this State and to provide recommendations to the Governor, the Public Utilities Commission, other agencies and the Legislature on these matters. The Council must report its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities matters by January 15, 2007. The committee is authorized to report out legislation on these matters to the First Regular Session of the 123rd Legislature.

P & S 32 An Act To Establish the Athens Standard Water District LD 1740

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-444

Private and Special Law 2005, chapter 32 establishes the Athens Standard Water District, subject to approval by referendum vote of the voters within the territory of the district.

P & S 33 An Act To Change the Charter of the St. Francis Water District LD 1833

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-746

Private and Special Law 2005, chapter 33 amends the charter of the St. Francis Water District to allow one member of the board of trustees to be a municipal officer of the Town of St. Francis. This trustee is required to abstain as a municipal officer from voting pursuant to Title 35-A, section 6410, subsection 7, on the compensation of trustees.

P & S 34 An Act To Amend the Charter of the Boothbay Harbor Sewer LD 1736
EMERGENCY District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BISHOP	OTP-AM	H-745

Private and Special Law 2005, chapter 34 extends the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also increases the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000. This law was enacted with a mandate preamble exempting the state from reimbursing the district for any costs it incurs as a result of the law.

Private and Special Law 2005, chapter 34 was enacted as an emergency measure effective March 2, 2006.

Utilities and Energy

P & S 40 **An Act To Allow the Buckfield Village Corporation To Be** **LD 1708**
EMERGENCY **Dissolved and Combined with the Town of Buckfield**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY B	OTP	

Private and Special Law 2005, chapter 40 authorizes the Buckfield Village Corporation to be dissolved and combined with the Town of Buckfield.

Private and Special Law 2005, chapter 40 was enacted as an emergency measure and took effect on March 22, 2006 but only for the purposes of permitting its submission to the voters of the Town of Buckfield.

P & S 41 **An Act To Create the Washburn Water and Sewer District** **LD 1744**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-476

Private and Special Law 2005, chapter 41 establishes the Washburn Water and Sewer District and provides for the transfer of sewer-related infrastructure from the Washburn Water and Sewer Department to the Washburn Water and Sewer District. This law takes effect only if approved by the voters within the territory of the district.

P & S 43 **An Act To Amend the Charter of the Lisbon Water Department** **LD 1970**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE NUTTING J	OTP-AM	H-779

Private and Special Law, chapter 43 amends the charter of the Lisbon Water Department. It clarifies the terms of the members of the Board of Water Commissioners.

Private and Special Law, chapter 43 was enacted as an emergency measure effective March 24, 2006.

P & S 46 **An Act To Amend the Charter of the Kennebunk Light and Power** **LD 2019**
EMERGENCY **District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-835

Private and Special Law 2005, chapter 46 raises the debt limit of the Kennebunk Light and Power District from \$2,000,000 to \$6,000,000, subject to approval in a local referendum. It also allows the district to increase its

Utilities and Energy

debt limit in the future through a referendum procedure modeled on the procedure available to water districts under Title 35-A, section 6410.

Private and Special Law 2005, chapter 46 was enacted as an emergency measure and took effect on April 3, 2006 but the provision of the bill raising the debt limit of the district does not take effect unless approved by the voters within the district.

P & S 49

An Act To Establish the Island Falls Water District

LD 2078

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP	
MARTIN		

Private and Special Law 2005, chapter 49 establishes the Island Falls Water District, subject to voter approval in a referendum held within the district.

P & S 50

An Act To Allow Consolidation of the Winterport Sewerage

LD 2018

EMERGENCY District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM	H-958
WESTON		

Private and Special Law 2005, chapter 50 provides for the acquisition by the Winterport Water District of the assets, liabilities and duties of the Winterport Sewerage District, repeals most of the current charter of the Winterport Water District and grants that district the powers and duties of a standard water district and of a sanitary district. It also updates certain remaining provisions of the Winterport Water District charter.

It authorizes the town council of the Town of Winterport, at the request of the Winterport Water District's board of trustees, who are appointed by the town council, to appoint alternate trustees to serve in the absence of one or more trustees. The alternates are barred from serving as officers of the district, but may, as authorized by the board of trustees, attend meetings and otherwise act on behalf of an absent trustee.

It also authorizes the Winterport Water District to disconnect water service for nonpayment of sewer service. This provision is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. The Public Utilities Commission is directed to monitor and report to the joint standing committee of the Legislature having jurisdiction over utilities matters on the district's use of this authority and the committee is authorized to report out a bill on this matter to the Second Regular Session of the 123rd Legislature.

Private and Special Law 2005, chapter 50 was enacted as an emergency measure and took effect on April 13, 2006 but only for the purpose of permitting its submission to the voters of the Town of Winterport.

Utilities and Energy

P & S 51

An Act To Amend the Charter of the Anson Water District

LD 2100

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-601
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Private and Special Law 2005, chapter 51 amends the charter of the Anson Water District. It clarifies the district's boundaries, gives the district access to groundwater anywhere in the town and specifies that the district's election of trustees takes place at the annual meeting of the district.

P & S 63

An Act To Amend the Charter of the Starboard Water District

LD 2117

EMERGENCY

<u>Sponsor(s)</u> RAYE EMERY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Private and Special Law 2005, chapter 63 extends from July 1, 2006 to July 1, 2007 the date by which an election must be held for the legal voters of the Town of Machiasport to vote on creating the Starboard Water District.

Private and Special Law 2005, chapter 63 was enacted as an emergency measure effective May 30, 2006.

RESOLVE 141

Resolve, To Address the Telecommunications Needs of Federally Qualified Health Centers

LD 637

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-740
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Resolve 2005, chapter 141 directs the Public Utilities Commission to allocate \$75,000 from the state universal service fund to hire a consultant to conduct a needs assessment and to assist federally qualified health centers in applying for funds from the federal Universal Service Fund to meet their telecommunications services needs. The amendment requires the Public Utilities Commission to report, no later than March 1, 2007, to the joint standing committee of the Legislature having jurisdiction over telecommunications matters on the results of the needs assessment and applications for federal funds. The amendment authorizes the committee to report out a bill on this subject to the First Regular Session of the 123rd Legislature.

Utilities and Energy

RESOLVE 162 **Resolve, Concerning the Collection of the Statewide E-9-1-1
Surcharge from Prepaid Wireless Telephone Service**

LD 2088

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2005, chapter 162 directs the Public Utilities Commission to form a stakeholder group to define an appropriate amount of and means of collecting and remitting an E-9-1-1 surcharge on prepaid wireless telephone service. The commission is directed to submit a report of the stakeholder group's recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The resolve authorizes the commission to offer its own recommendations on the subject if the stakeholder group fails to reach agreement or the commission otherwise determines it appropriate to supply its own separate recommendations. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters is authorized to report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

RESOLVE 184 **Resolve, Regarding Legislative Review of Portions of Chapter 895:**
EMERGENCY **Underground Facility Damage Prevention Requirements, a Major
Substantive Rule of the Public Utilities Commission**

LD 2060

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-948
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Resolve 2005, chapter 184 authorizes the Public Utilities Commission to finally adopt portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule, as long as certain changes are made relating to commission enforcement proceedings. The changes require the commission to hold a preliminary investigation prior to issuing a notice of probable violation.

Resolve 2005, chapter 184 was enacted as an emergency measure effective April 12, 2006.

RESOLVE 187 **Resolve, To Direct the Public Utilities Commission To Examine
Continued Participation by Transmission and Distribution Utilities
in This State in the New England Regional Transmission
Organization**

LD 1897

<u>Sponsor(s)</u> BRAUTIGAM	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-959
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Resolve 2005, chapter 187 directs the Public Utilities Commission to undertake an inquiry to determine the legal options for and costs and benefits of directing or otherwise causing transmission and distribution utilities in this State to withdraw from the New England regional transmission organization. The commission is directed to issue an interim report on the status of its inquiry and any preliminary findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007. The joint standing committee is authorized to request additional interim reports from the commission as the

Utilities and Energy

committee determines appropriate. The commission is directed to issue a final report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008.

Index by Law Type and Chapter Number

<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>
CON RES 2	124	PUBLIC 469	159	PUBLIC 518.....	31
P & S 29	24	PUBLIC 470	89	PUBLIC 519	9
P & S 30	166	PUBLIC 471	57	PUBLIC 520.....	32
P & S 31	141	PUBLIC 472	159	PUBLIC 521.....	70
P & S 32	174	PUBLIC 473	29	PUBLIC 522.....	70
P & S 33	174	PUBLIC 474	29	PUBLIC 523	111
P & S 34	174	PUBLIC 475	29	PUBLIC 524.....	112
P & S 35	141	PUBLIC 476	29	PUBLIC 525.....	126
P & S 36	116	PUBLIC 477	89	PUBLIC 526.....	97
P & S 37	166	PUBLIC 478	159	PUBLIC 527.....	42
P & S 38	65	PUBLIC 479	160	PUBLIC 528	161
P & S 39	65	PUBLIC 480	69	PUBLIC 529.....	97
P & S 40	175	PUBLIC 481	69	PUBLIC 530.....	71
P & S 41	175	PUBLIC 482	160	PUBLIC 531	98
P & S 42	65	PUBLIC 483	70	PUBLIC 532.....	94
P & S 43	175	PUBLIC 484	93	PUBLIC 533	127
P & S 44	134	PUBLIC 485	93	PUBLIC 534.....	169
P & S 45	66	PUBLIC 486	149	PUBLIC 535	127
P & S 46	175	PUBLIC 487	39	PUBLIC 536.....	87
P & S 47	142	PUBLIC 488	39	PUBLIC 537.....	112
P & S 48	35	PUBLIC 489	139	PUBLIC 538.....	98
P & S 49	176	PUBLIC 490	139	PUBLIC 539.....	119
P & S 50	176	PUBLIC 491	129	PUBLIC 540	98
P & S 51	177	PUBLIC 492	125	PUBLIC 541	45
P & S 52	66	PUBLIC 493	94	PUBLIC 542	119
P & S 53	24	PUBLIC 494	30	PUBLIC 543.....	99
P & S 54	25	PUBLIC 495	90	PUBLIC 544.....	99
P & S 55	25	PUBLIC 496	57	PUBLIC 545.....	45
P & S 56	25	PUBLIC 497	30	PUBLIC 546.....	46
P & S 57	26	PUBLIC 498	111	PUBLIC 547.....	88
P & S 58	26	PUBLIC 499	57	PUBLIC 548	130
P & S 59	26	PUBLIC 500	30	PUBLIC 549.....	130
P & S 60	142	PUBLIC 501	160	PUBLIC 550	2
P & S 61	26	PUBLIC 502	40	PUBLIC 551.....	46
P & S 62	142	PUBLIC 503	119	PUBLIC 552	139
P & S 63	177	PUBLIC 504	88	PUBLIC 553	3
P & S 64	27	PUBLIC 505	125	PUBLIC 554.....	140
P & S 65	76	PUBLIC 506	41	PUBLIC 555	32
P & S 66	27	PUBLIC 507	41	PUBLIC 556.....	169
P & S 67	7, 27	PUBLIC 508	126	PUBLIC 557.....	100
P & S 68	142	PUBLIC 509	129	PUBLIC 558.....	130
P & S 69	66	PUBLIC 510	1	PUBLIC 559	3
POCKET VETO.....	36	PUBLIC 511	31	PUBLIC 560.....	112
POCKET VETO.....	147	PUBLIC 512	1	PUBLIC 561.....	131
PUBLIC 464	97	PUBLIC 513	2	PUBLIC 562.....	120
PUBLIC 465	88	PUBLIC 514	2	PUBLIC 563.....	4
PUBLIC 466	125	PUBLIC 515	149	PUBLIC 564.....	100
PUBLIC 467	69	PUBLIC 516	111	PUBLIC 565.....	71
PUBLIC 468	93	PUBLIC 517	31	PUBLIC 566	100

Index by Law Type and Chapter Number

<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>
PUBLIC 567	101	PUBLIC 616	60	PUBLIC 665.....	172
PUBLIC 568	120	PUBLIC 617	134	PUBLIC 666.....	115
PUBLIC 569	170	PUBLIC 618	151	PUBLIC 667	52
PUBLIC 570	113	PUBLIC 619	33	PUBLIC 668.....	115
PUBLIC 571	46	PUBLIC 620	6	PUBLIC 669.....	35
PUBLIC 572	101	PUBLIC 621	23	PUBLIC 670.....	74
PUBLIC 573	161	PUBLIC 622	152	PUBLIC 671.....	53
PUBLIC 574	101	PUBLIC 623	153	PUBLIC 672.....	75
PUBLIC 575	121	PUBLIC 624	153	PUBLIC 673.....	53
PUBLIC 576	4	PUBLIC 625	103	PUBLIC 674.....	64
PUBLIC 577	162	PUBLIC 626	91	PUBLIC 675.....	155
PUBLIC 578	114	PUBLIC 627	154	PUBLIC 676	54
PUBLIC 579	102	PUBLIC 628	73	PUBLIC 677.....	173
PUBLIC 580	102	PUBLIC 629	104	PUBLIC 678.....	107
PUBLIC 581	71	PUBLIC 630	104	PUBLIC 679.....	165
PUBLIC 582	170	PUBLIC 631	105	PUBLIC 680.....	75
PUBLIC 583	94	PUBLIC 632	34	PUBLIC 681.....	54
PUBLIC 584	140	PUBLIC 633	23	PUBLIC 682.....	107
PUBLIC 585	5	PUBLIC 634	49	PUBLIC 683	108
PUBLIC 586	141	PUBLIC 635	61	PUBLIC 684.....	55
PUBLIC 587	103	PUBLIC 636	114	RESOLVE 130.....	143
PUBLIC 588	72	PUBLIC 637	34	RESOLVE 131.....	87
PUBLIC 589	72	PUBLIC 638	6	RESOLVE 132.....	55
PUBLIC 590	132	PUBLIC 639	62	RESOLVE 133.....	143
PUBLIC 591	95	PUBLIC 640	74	RESOLVE 134	156
PUBLIC 592	132	PUBLIC 641	24	RESOLVE 135.....	156
PUBLIC 593	58	PUBLIC 642	105	RESOLVE 136.....	143
PUBLIC 594	103	PUBLIC 643	163	RESOLVE 137.....	35
PUBLIC 595	58	PUBLIC 644	154	RESOLVE 138.....	36
PUBLIC 596	121	PUBLIC 645	154	RESOLVE 139	76
PUBLIC 597	133	PUBLIC 646	171	RESOLVE 140.....	134
PUBLIC 598	5	PUBLIC 647	155	RESOLVE 141.....	177
PUBLIC 599	33	PUBLIC 648	74	RESOLVE 142.....	123
PUBLIC 600	59	PUBLIC 649	163	RESOLVE 143.....	135
PUBLIC 601	22	PUBLIC 650	34	RESOLVE 144.....	135
PUBLIC 602	133	PUBLIC 651	62	RESOLVE 145	135
PUBLIC 603	114	PUBLIC 652	155	RESOLVE 146.....	144
PUBLIC 604	33	PUBLIC 653	62	RESOLVE 147.....	76
PUBLIC 605	59	PUBLIC 654	106	RESOLVE 148.....	77
PUBLIC 606	47	PUBLIC 655	51	RESOLVE 149.....	77
PUBLIC 607	149	PUBLIC 656	141	RESOLVE 150.....	77
PUBLIC 608	150	PUBLIC 657	63	RESOLVE 151.....	166
PUBLIC 609	150	PUBLIC 658	122	RESOLVE 152	78
PUBLIC 610	73	PUBLIC 659	106	RESOLVE 153	78
PUBLIC 611	60	PUBLIC 660	52	RESOLVE 154	78
PUBLIC 612	133	PUBLIC 661	52	RESOLVE 155	79
PUBLIC 613	122	PUBLIC 662	63	RESOLVE 156	79
PUBLIC 614	6	PUBLIC 663	122	RESOLVE 157	79
PUBLIC 615	73	PUBLIC 664	164	RESOLVE 158	80

Index by Law Type and Chapter Number

<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>	<i>Law Type</i>	<i>Page</i>
RESOLVE 159	80	RESOLVE 179	90	RESOLVE 199	84
RESOLVE 160	80	RESOLVE 180	123	RESOLVE 200	110
RESOLVE 161	81	RESOLVE 181	116	RESOLVE 201	145
RESOLVE 162	178	RESOLVE 182	67	RESOLVE 202	157
RESOLVE 163	166	RESOLVE 183	137	RESOLVE 203	85
RESOLVE 164	81	RESOLVE 184	178	RESOLVE 204	68
RESOLVE 165	81	RESOLVE 185	82	RESOLVE 205	117
RESOLVE 166	82	RESOLVE 186	82	RESOLVE 206	124
RESOLVE 167	116	RESOLVE 187	178	RESOLVE 207	137
RESOLVE 168	144	RESOLVE 188	83	RESOLVE 208	138
RESOLVE 169	110	RESOLVE 189	167	RESOLVE 209	145
RESOLVE 170	156	RESOLVE 190	137	RESOLVE 210	68
RESOLVE 171	67	RESOLVE 191	117	RESOLVE 211	68
RESOLVE 172	91	RESOLVE 192	83	RESOLVE 212	146
RESOLVE 173	7	RESOLVE 193	7	RESOLVE 213	85
RESOLVE 174	136	RESOLVE 194	83	RESOLVE 214	146
RESOLVE 175	136	RESOLVE 195	84	RESOLVE 215	124
RESOLVE 176	36	RESOLVE 196	84	RESOLVE 216	167
RESOLVE 177	144	RESOLVE 197	7	RESOLVE 217	28
RESOLVE 178	145	RESOLVE 198	8	SP 0847	37

Index by LD and Paper Number

<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>
LD 84	68	LD 1535	133	LD 1750.....	160
LD 141	134	LD 1540	25	LD 1751.....	151
LD 180	26	LD 1552	155	LD 1752.....	29
LD 192	32	LD 1555	76	LD 1753.....	69
LD 228	24	LD 1596	119	LD 1755.....	57
LD 235	114	LD 1609	99	LD 1756.....	29
LD 248	25	LD 1614	76	LD 1757.....	74
LD 273	23	LD 1657	3	LD 1758.....	112
LD 307	87	LD 1679	100	LD 1759.....	46
LD 359	74	LD 1682	97	LD 1760.....	71
LD 444	81	LD 1694	141	LD 1761.....	150
LD 477	87	LD 1695	88	LD 1762.....	142
LD 501	159	LD 1696	160	LD 1763.....	110
LD 550	26	LD 1697	125	LD 1764.....	125
LD 560	124	LD 1698	31	LD 1767.....	30
LD 635	169	LD 1699	116	LD 1768.....	129
LD 637	177	LD 1701	82	LD 1769.....	140
LD 748	116	LD 1702	159	LD 1770.....	31
LD 791	154	LD 1705	29	LD 1771.....	41
LD 816	100	LD 1706	161	LD 1772.....	63
LD 846	77	LD 1707	77	LD 1774.....	134
LD 889	143	LD 1708	175	LD 1776.....	3
LD 904	75	LD 1709	40	LD 1777.....	137
LD 934	7	LD 1710	156	LD 1778.....	101
LD 979	62	LD 1711	152	LD 1780.....	57
LD 1018	54	LD 1713	143	LD 1783.....	93
LD 1021	114	LD 1714	142	LD 1784.....	82
LD 1036	70	LD 1715	111	LD 1785.....	66
LD 1043	26	LD 1717	53	LD 1786.....	125
LD 1058	129	LD 1718	51	LD 1789.....	52
LD 1064	6	LD 1719	116	LD 1792.....	130
LD 1127	143	LD 1720	1	LD 1795.....	133
LD 1159	163	LD 1721	55	LD 1796.....	156
LD 1165	154	LD 1723	93	LD 1799.....	155
LD 1177	97	LD 1728	146	LD 1800.....	106
LD 1183	75	LD 1730	160	LD 1802.....	135
LD 1203	105	LD 1733	145	LD 1804.....	29
LD 1234	24	LD 1734	94	LD 1806.....	111
LD 1296	110	LD 1735	142	LD 1812.....	103
LD 1338	135	LD 1736	174	LD 1813.....	88
LD 1348	27	LD 1738	159	LD 1819.....	88
LD 1379	171	LD 1740	174	LD 1820.....	121
LD 1381	61	LD 1741	107	LD 1822.....	122
LD 1387	68	LD 1743	100	LD 1825.....	46
LD 1420	69	LD 1744	175	LD 1827.....	36
LD 1425	58	LD 1746	69	LD 1830.....	119
LD 1464	162	LD 1747	111	LD 1831.....	45
LD 1481	147	LD 1748	122	LD 1832.....	89
LD 1508	35	LD 1749	155	LD 1833.....	174

Index by LD and Paper Number

<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>
LD 1834	30	LD 1906	47	LD 1988.....	65
LD 1835	36	LD 1907	106	LD 1989.....	156
LD 1838	123	LD 1909	23	LD 1991.....	84
LD 1840	135	LD 1910	113	LD 1992.....	72
LD 1842	103	LD 1914	76	LD 1993.....	120
LD 1846	144	LD 1919	31	LD 1994.....	81
LD 1847	117	LD 1923	32	LD 1995.....	85
LD 1849	166	LD 1927	85	LD 1996.....	104
LD 1850	112	LD 1930	101	LD 1999.....	145
LD 1851	65	LD 1931	170	LD 2001.....	42
LD 1852	70	LD 1932	101	LD 2002.....	98
LD 1853	8	LD 1934	83	LD 2003.....	78
LD 1854	70	LD 1936	62	LD 2004.....	78
LD 1855	93	LD 1939	89	LD 2005.....	78
LD 1856	149	LD 1942	141	LD 2006.....	79
LD 1857	149	LD 1943	36	LD 2007.....	80
LD 1860	130	LD 1944	34	LD 2008.....	79
LD 1861	39	LD 1946	27	LD 2009.....	80
LD 1862	139	LD 1948	25	LD 2010.....	80
LD 1863	2	LD 1950	163	LD 2011.....	79
LD 1864	144	LD 1951	72	LD 2012.....	66
LD 1865	139	LD 1952	64	LD 2013.....	124
LD 1866	161	LD 1954	63	LD 2014.....	94
LD 1868	52	LD 1955	34	LD 2015.....	7
LD 1870	102	LD 1956	26	LD 2016.....	52
LD 1871	146	LD 1957	33	LD 2017.....	94
LD 1872	2	LD 1961	126	LD 2018.....	176
LD 1873	98	LD 1963	67	LD 2019.....	175
LD 1874	97	LD 1964	62	LD 2020.....	127
LD 1875	77	LD 1965	149	LD 2021.....	95
LD 1878	30	LD 1966	166	LD 2028.....	54
LD 1880	141	LD 1967	90	LD 2029.....	121
LD 1881	1	LD 1968	9	LD 2031.....	45
LD 1883	119	LD 1970	175	LD 2033.....	124
LD 1884	41	LD 1971	136	LD 2034.....	98
LD 1885	99	LD 1972	150	LD 2035.....	133
LD 1886	39	LD 1973	83	LD 2036.....	104
LD 1887	71	LD 1974	164	LD 2037.....	134
LD 1888	131	LD 1975	130	LD 2038.....	170
LD 1889	120	LD 1976	82	LD 2039.....	153
LD 1890	6	LD 1977	136	LD 2040.....	167
LD 1891	24	LD 1979	59	LD 2041.....	173
LD 1892	102	LD 1981	137	LD 2042.....	4
LD 1897	178	LD 1982	81	LD 2043.....	132
LD 1898	112	LD 1983	83	LD 2044.....	49
LD 1899	122	LD 1984	145	LD 2045.....	22
LD 1901	71	LD 1985	4	LD 2046.....	46
LD 1902	57	LD 1986	166	LD 2047.....	35
LD 1903	65	LD 1987	73	LD 2049.....	127

Index by LD and Paper Number

<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>	<i>LD Number</i>	<i>Page</i>
LD 2050	90	LD 2074	169	LD 2101	34
LD 2051	166	LD 2076	33	LD 2102	141
LD 2054	126	LD 2077	5	LD 2103	60
LD 2055	108	LD 2078	176	LD 2104	58
LD 2056	153	LD 2080	172	LD 2105	59
LD 2057	91	LD 2081	7, 27	LD 2106	73
LD 2058	167	LD 2082	144	LD 2107	6
LD 2060	178	LD 2083	2	LD 2109	117
LD 2061	107	LD 2086	115	LD 2110	74
LD 2062	84	LD 2087	103	LD 2111	105
LD 2063	140	LD 2088	178	LD 2112	68
LD 2064	84	LD 2089	33	LD 2113	66
LD 2065	5	LD 2090	138	LD 2114	60
LD 2066	91	LD 2091	35	LD 2115	142
LD 2067	123	LD 2092	115	LD 2116	53
LD 2068	114	LD 2093	154	LD 2117	177
LD 2069	67	LD 2095	7	LD 2118	55
LD 2070	137	LD 2096	157	LD 2119	165
LD 2071	132	LD 2097	73	LD 2120	28
LD 2072	139	LD 2100	177	SP 0847	37

Table of Contents

I. Session Statistics	Page No.
II. Policy Area	
Agriculture, Conservation & Forestry	1
Appropriations & Financial Services	9
Business, Research & Economic Development	29
Criminal Justice & Public Safety	39
Education & Cultural Affairs	57
Health & Human Services	69
Inland Fisheries & Wildlife	87
Insurance & Financial Services	93
Judiciary	97
Labor	111
Legal & Veterans' Affairs	119
Marine Resources	125
Natural Resources	129
State & Local Government	139
Taxation	149
Transportation	159
Utilities & Energy	169
III. Law Type Index	181
IV. L.D. Index	185